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**2023 / 2024**  
**Mock Trial**  
**Middle and High School**  
**Competition Handbook**

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**A PROJECT OF THE  
SOUTH CAROLINA BAR  
LAW RELATED EDUCATION COMMITTEE  
AND THE MOCK TRIAL SUB-COMMITTEE**

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Mock Trial is made possible with the support of the  
[South Carolina Bar Foundation's IOLTA grant](#) and the [South Carolina Bar](#).

## MIDDLE SCHOOL MOCK TRIAL PAST STATE CHAMPIONS

2002 – Sneed Middle

2003 – Myrtle Beach Middle .....(Coastal Region)

2003 – Lady’s Island Middle ..... (Midlands Region)

2003 – Riverside Middle ..... (Piedmont Region)

2004 – Johnsonville Middle

2005 – Johnsonville Middle

2006 – Hand Middle

2007 – Springfield Middle

2008 – Springfield Middle

2009 – Forestbrook Middle

2010 – Forestbrook Middle

2011 – Johnsonville Middle

2012 – Forestbrook Middle

2013 – Forestbrook Middle ..... (BOC Champions)

2014 – Forestbrook Middle .....(BOC Champions)

2015 – n/a – no state competition

2016 – Moultrie Middle

2017 – Fort Mill Middle

2018 – Heathwood Hall Episcopal

2019 – Buist Academy

2020 – N/A – No State Competition

2021 – N/A – No State Competition

2022 – JET Middle



**2022 State Winner – JET Middle School**

## HIGH SCHOOL MOCK TRIAL PAST STATE CHAMPIONS

1982 – Dreher High	2003 – Bob Jones Academy
1983 – Conway High	2004 – Bob Jones Academy (Nat'l Champs)
1984 – Strom Thurmond High	2005 – Berkeley High
1985 – Strom Thurmond High	2006 – Berkeley High
1986 – Myrtle Beach High	2007 – Fort Mill High
1987 – Strom Thurmond High	2008 – Berkeley High
1988 – Socastee High (Nat'l Champs)	2009 – Fort Mill High
1989 – Berkeley High	2010 – Bob Jones Academy
1990 – Irmo High	2011 – North Myrtle Beach High
1991 – Berkeley High	2012 – Strom Thurmond High
1992 – Irmo High	2013 – North Myrtle Beach High
1993 – Berkeley High	2014 – North Myrtle Beach High (2 <sup>nd</sup> Nat'l)
1994 – Middleton High	2015 – Strom Thurmond High
1995 – Bob Jones Academy	2016 – Fort Mill High
1996 – Socastee High	2017 – Strom Thurmond High
1997 – Socastee High	2018 – Heathwood Hall Episcopal School
1998 – Socastee High	2019 – Strom Thurmond High
1999 – Socastee High	2020 – Strom Thurmond High
2000 – Berkeley High	2021 – Bob Jones Academy
2001 – Bob Jones Academy	2022 – Strom Thurmond High
2002 – Berkeley High	2023 – Bob Jones Academy



**2023 State High School Mock Trial Champions  
Bob Jones Academy**

PROFESSIONALISM AND CIVILITY AWARD WINNERS  
MIDDLE SCHOOL

The first Professionalism and Civility Awards were presented to one Middle School and High School team at their state competition. The competing teams nominated a team that demonstrated the following qualities inside and outside the courtroom:

- Professional demeanor
- Civility
- Integrity
- Honesty
- Fair play
- Respect for the competition
- Respect for fellow competitors
- Respect for volunteers and all associated with the program inside and outside the courtroom throughout the competition
- Respect for courthouse staff and facilities



MIDDLE SCHOOL

2016 – Heathwood Hall Episcopal ..... (State)	
2017 – Ben Lippen.....(Regional)	2019 – Bob Jones .....(Regional)
2017 – Bob Jones.....(Regional)	2019 – Heathwood Hall Episcopal.....(Regional)
2017 – Longleaf.....(Regional)	2019 – St. James – Santee.....(Regional)
2017 – Philip Simmons .....(Regional)	2019 – Ten Oaks.....(Regional)
2017 – Ten Oaks .....(Regional)	2019 – Chapin..... (State)
2017 – Buist..... (State)	2020 – Chapin.....(Regional)
2018 – Cario .....(Regional)	2021 – Kingstree Middle Magnet..(Regional)
2018 – Forestbrook.....(Regional)	
2018 – Heathwood Hall Episcopal ... (Regional)	2022 – GREEN Charter .....(Regional)
2018 – Leavelle McCampbell.....(Regional)	2022 – JET Middle .....(Regional)
2018 – Pleasant Knoll.....(Regional)	2022 – Whittemore Park Middle ... (Regional)
2018 – Chapin ..... (State)	2022 – Chapin Middle ..... (State)

## PROFESSIONALISM AND CIVILITY AWARD WINNERS HIGH SCHOOL

The first Professionalism and Civility Awards were presented to one Middle School and High School team at their state competition. The competing teams nominated a team that demonstrated the following qualities inside and outside the courtroom:

- Professional demeanor
- Civility
- Integrity
- Honesty
- Fair play
- Respect for the competition
- Respect for fellow competitors
- Respect for volunteers and all associated with the program inside and outside the courtroom throughout the competition
- Respect for courthouse staff and facilities



### HIGH SCHOOL

2017 – Chapin ..... (State)	2021 – W.J. Keenan.....(Regional)
	2021 – Lexington.....(Regional)
2018 – Dorman.....(Regional)	2021 – Ft. Dorchester.....(Regional)
2018 – Gov. Sch. Science & Math ... (Regional)	2021 – Chas. Cty. Sch. of Arts ..... (State)
2018 – Indian Land .....(Regional)	
2018 – Kingstree.....(Regional)	2022 – Charleston Sch. of Arts ....(Regional)
2018 – Spring Hill .....(Regional)	2022 – Greenwood.....(Regional)
2018 – Wilson ..... (State)	2022 – Strom Thurmond .....(Regional)
	2022 – Governor’s School for Science & Mathematics..... (State)
2019 – Charleston Sch. of Arts .....(Regional)	
2019 – Fort Mill .....(Regional)	2023 – Academic Magnet .....(Regional)
2019 – Indian Land .....(Regional)	2023 – Richland Northeast.....(Regional)
2019 – Kingstree.....(Regional)	2023 – Strom Thurmond .....(Regional)
2019 – Socastee.....(Regional)	2023 – Spring Hill..... (State)
2019 – Spring Hill .....(Regional)	
2019 – Ft. Dorchester ..... (State)	
2020 – Dutch Fork .....(Regional)	
2020 – Heathwood Hall Episcopal ... (Regional)	
2020 – Kingstree.....(Regional)	
2020 – May River.....(Regional)	
2020 – Wade Hampton.....(Regional)	
2020 – Carolina Forest ..... (State)	

HIGH SCHOOL MOCK TRIAL  
COURTROOM ARTIST AND JOURNALIST STATE WINNERS

COURTROOM ARTIST

- 2011 – Jane Xu, Dreher High
- 2012 – Megan Greer,  
Montessori School of Anderson
- 2013 – Elissa Na, Bob Jones Academy
- 2014 – Ezekiel King, Wade Hampton High
- 2015 – Ezekiel King, Wade Hampton High
- 2016 – Natalie Fanello,  
Montessori School of Anderson
- 2017 – Marina Ataalla, Carolina Forest High
- 2018 – Ruby Dozier, Manning High
- 2019 – Grace Wood, NEXT High
- 2020 – Morela Taffe, Indian Land High
- 2021 – (no competition due to virtual)
- 2022 – (no competition due to virtual)
- 2023 – Mariagustina “Nina” Rodriguez, Indian  
Land High

COURTROOM JOURNALIST

- 2011 – Caylyn Bird, Spring Valley High
- 2012 – Kayla Fenstermaker,  
Bob Jones Academy
- 2013 – Ya Fang, Governor’s School for  
Science and Mathematics
- 2014 – Ana Kate Barker,  
Bob Jones Academy
- 2015 – Jacqueline Tobin, Governor’s School  
for Science and Mathematics
- 2016 – Kristal L. Herrin,  
Strom Thurmond High
- 2017 – Rachel Black,  
York Preparatory Academy
- 2018 – Maggie May, Dorman High
- 2019 – Rachel Black,  
York Preparatory Academy
- 2020 – Ariel Burrow, Dorman High
- 2021 – (no competition due to virtual)
- 2022 – (no competition due to virtual)
- 2023 – Jacob Mijalli, Scholar’s Academy

Samples of previous sketch entries can be viewed online. ([click here](#))



**Sample Entry by Morella Taffe (Indian Land High School)**

## INTRODUCTION TO THE MOCK TRIAL COMPETITION

The Mock Trial program is sponsored by the South Carolina Bar Law Related Education (LRE) Division. South Carolina public schools, private schools, and homeschooled students throughout the state are invited to participate in this competitive program in one of the two categories; middle school or high school. Each participating school enters a team ideally composed of 16 or more students (and a minimum of 6 students middle school and 7 students high school) and requires a teacher coach sponsor. The SC Bar LRE Division assists in locating attorney coaches to help teams prepare for the competition and provides the team with the Case Materials, the Competition Handbook, and other competition materials on the LRE website at [www.sctbar.org/lre](http://www.sctbar.org/lre).

The Mock Trial competitions are divided into regional competitions with a culminating state competition at both the middle and high school levels. A total of twelve teams advance from regional competitions to participate in their respective state competitions using the same case. A state competition takes place if 20 or more teams participate in the regional competitions. For high school, the state champion represents South Carolina in the National High School Mock Trial competition using a new national case.

Teams are officially assigned to a region after the drop date assigned for each level. Once a team is assigned to a region, the team cannot switch regions without the approval of the State Mock Trial Coordinator. (*Regions are subject to be split based on courthouse capacity.*)

Competition Schedule for Middle and High Schools:

### Middle School Mock Trial Competition Schedule

- Regionals .....Saturday, October 28, 2023
- State ..... Friday and Saturday, December 1 and 2, 2023

### High School Mock Trial Competition Schedule

- Regionals .....Saturday, February 24, 2024
- State ..... Friday and Saturday, March 8 and 9, 2024
- HS Nationals (hosted in Wilmington, Delaware)..... May 2 – 4, 2024



## GOALS

The goals of this program are, first and foremost, to educate South Carolina students about the basis of our American judicial system and the mechanics of litigation. The program also serves to build bridges of cooperation, respect, and support between the community and the legal profession. Through participation in the Mock Trial program; students increase important skills such as listening, speaking, writing, reading, and analyzing. All participants are encouraged to keep in mind that the goal of the Mock Trial program is not to win for the sake of winning, but to learn and understand the meaning of good citizenship in a democratic republic through participation in our system of law and justice. All who participate in the Mock Trial program are winners in this sense.

**Students** – Your participation in Mock Trial will allow you to experience what it is like to prepare for and present a case before a presiding judge and scoring judges. Working with your team and coaches in a safe and fun learning environment provided by your school, you will learn to evaluate information and to respond quickly. As you prepare, you will sharpen public speaking and presentation skills. The greatest benefit is the opportunity to learn how the legal system works. By studying and understanding courtroom procedure, you should become more comfortable with federal and state laws as part of the legal system. Your interaction with some of South Carolina’s finest attorneys and judges in a professional setting will give you a glimpse of the different interpretations of trial procedure and the different litigation styles of individual members in the legal arena.

**Teacher Coaches, Attorney Coaches, and/or Judges** – We strongly encourage you to focus on the goal of student participation rather than placing an emphasis on winning while preparing for the competition. Your contribution of time and talent make many experiential educational opportunities available annually to South Carolina students. Your participation is a key element to the success of this program. You can be proud of the impact you will make on the lives of these students. All coaches; teacher and attorney; should obtain and follow the school’s policy on adult/children interaction for in-person and virtual interaction. An attorney is a volunteer for the school and not the SC Bar.

## CASE RELEASE INFORMATION

The case is available on the Internet in the LRE section of the South Carolina Bar’s Web site, located at [www.sctbar.org/lre](http://www.sctbar.org/lre) and by clicking on either the Middle or High School Mock section. The new Case Materials will be released August 8, 2023, no later than 5pm.

## DISCUSSION FORUM

The Mock Trial Discussion Forum is a place to post questions concerning the content of the Case Materials, the Competition Rules, and the competition. The Discussion Forum is located on the LRE website.

[Click Here for Discussion Forum](#)

The links above take you to a registration page for the Discussion Forum. It can take up to 48 hours to gain access to the Discussion Forum once registered. The Discussion Forum should be checked often for postings. Responses posted to the questions could change Competition Rules, the Case Materials, and/or competition specifics that apply on competition day. The Discussion Forum closes ten business days prior to a competition.

HAVE MOCK TRIAL QUESTIONS?

Attorney Coach Needed.....	<a href="#">Donald N. Lanier</a>
Case .....	<a href="#">Ask on Forum Discussion</a>
Competition.....	<a href="#">Ask on Forum Discussion</a> or Contact <a href="#">Donald N. Lanier</a>
Concerns .....	<a href="#">Donald N. Lanier</a>
Credit Card Payment Portal .....	<a href="#">Online Here</a>
Downloading Materials.....	<a href="#">Donald N. Lanier</a>
Forms .....	<a href="#">Marian Kirk</a>
Forum Registration .....	<a href="#">Donald N. Lanier</a>
General Questions .....	<a href="#">Donald N. Lanier</a>
Purchase Orders.....	<a href="#">Marian Kirk</a>
Registration.....	<a href="#">Marian Kirk</a>
Training.....	<a href="#">Marian Kirk</a>
Webinar Registration.....	<a href="#">Donald N. Lanier</a>

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**2023 / 24**  
**RULES OF COMPETITION**

**(Section 1 of 4)**



# Overview of New Rules and Modifications for 2023/24 Mock Trial

**For the 2023/24 competition season, the Competition Rules were modified, clarified and/or condensed. An overview of the changes are noted below as information only. The ENTIRE rule can be found in the Rules section.**

Rule #	Rule Name / Process	Action Taken
Various	Virtual	Virtual rules removed to standalone supplemental document if need arises for virtual competitions.
3.1	Team Eligibility	Language changed to allow for Home School Co-op groups.
3.2	Team Composition	High School teams now have a size of 7-16 students
3.5	Team Roster Form	Team Roster and Practice Score sheet replaced with new digital Team Roster Form (3 part).
3.6	Code of Conduct	Rule changed to include social media as enumerated paragraph.
4.4 D	Opening Court	Bailiff script has been updated with additional language.
4.4 D	Opening Court	Witnesses introduce themselves in the order in which they will be called.
4.4F	Trial Sequence: Exhibits	Only one set of case materials in a neutral location.
4.4K	Trial Sequence: Rebuttal	Prosecution/Plaintiff does not have to request reserving time in closing for rebuttal, to match with National Rules.
4.7	Motions	Grammatical correction in paragraph B. and strike Official Comment.
4.9	Student Performance	Section on Notes removed from Rule 4.14 and incorporated within Rule 4.9
4.14	Notes/Technology	Rule changed to only reference Technology. Notes portion incorporated within Rule 4.9.
6.2	Violations During a trial	Time sheets are not photographed for submission by lead teacher of each team.

# 2023 / 2024

## RULES OF THE COMPETITION

### SECTION I: ADMINISTRATION

#### 1.1 Rules

All trials are governed by the Rules of the Mock Trial Competition and the Mock Trial Rules of Evidence.

Interpretations of these rules are within the discretion of the SC Bar as provided for in these rules and are final.

#### 1.2 Code of Conduct

The Rules of the Competition and the rules of courthouse, courtroom conduct, and security must be followed. The SC Bar has discretion to discipline on rule violations or inappropriate conduct affecting the procedure of a trial or hurting the reputation or integrity of any team, school, participant, court officer, judge, or the Mock Trial program. Discipline may include disqualification, immediate eviction from the competition, and/or forfeiture of fees and awards for any misconduct occurring during the Mock Trial competition.

A. Arrival Times:

Teams are to respect the arrival times, breaks, and lunch times by never being late. Being late without good cause is subject to penalty at the discretion of the Regional and/or State Mock Trial Coordinator.

B. Remaining in Courtroom: All competing team members in front of the bar are to remain in front of the bar during the competition round unless an emergency is noted. [See Rule 1.3 Emergencies.](#)

C. Teacher Coach Requirement: The registering teacher coach, assistant teacher coach and/or pre-approved school sponsor must always accompany and chaperone the team before, during, and after the competition; in addition to physically sitting with the team in the courtrooms during the rounds. Teacher coaches must remain at the courthouse supervising their students at the end of the competition until all students are picked up. Failure to do so is reported to the school principal.

D. Code of Conduct Form: All team members, teacher coaches, and attorney coaches are required to digitally sign the [Code of Ethical Conduct Form / Individual Talent Release Form](#), which automatically submits to the SC Bar. The deadline for submission is prior to participation in the regional competitions.

E. Violations by Visitors: Rule violations made by visitors can subject their team to be disciplined under this rule and or penalties in accordance with [Rule 6.1 Dispute Process – Post-Trial](#) and [Rule 6.4 Discipline for Non-Trial Rules Violations](#).

F. Use of Logos: No team may reproduce or manipulate the SC Bar logo or Mock Trial logo.

### 1.3 Emergencies

Emergencies are handled in two of the following ways for competition:

#### A. During a Trial

During a trial, the presiding judge shall have discretion to declare an emergency and adjourn the trial for a short period of time to address the emergency.

In the event of an emergency causing a team to be unable to continue a trial or to participate with less than six members for middle school and seven for high school, the team must notify the Regional and/or State Mock Trial Coordinator as soon as it is reasonably practical. If the SC Bar, or its designee(s), in its sole discretion, agrees an emergency exists, the SC Bar, or its designee(s), shall declare an emergency and may direct the team to take appropriate measures to continue any trial round with less than the minimum. The team continues with a reduced team composition. If the team is required to continue the round, a penalty shall be assessed in accordance with [Rule 3.2 Team Composition and Allocation of Duties](#) and [Rule 6.3 Scoring Penalties](#) specifically unequal distribution of tasks among team members.

If the team with the emergency cannot continue, the team forfeits. A forfeiting team receives a loss and points totaling the average number of the ballots and points received by the losing teams in that round. The forfeiting team may leave or observe the remaining rounds, space permitting. The non-forfeiting team is treated like a bye round team. [See Rule 5.9 Bye Round.](#)

#### B. Prior to Arrival

A team unable to attend due to inclement weather or other emergency must contact the designated Regional and/or State Mock Trial Coordinator. The SC Bar makes the final determination regarding the emergency.

### 1.4 Team Codes / Identity

Each team is assigned a team code. Teams only identify themselves by their assigned team code for the competition. The identities of schools competing in a round are kept confidential from the judges. There shall be no school names, logos, or colors on any items brought into the competition venue.

### 1.5 Entry into Competition Venues

All visitors stay to the rear of the security line and allow coaches, judges, and students through the security check points first.

Everyone entering the competition venue is required to enter through a metal detector. Any items restricted by the venue, including knives, concealed weapons, cell phones, e-cigarettes, lighters, or any items that slow down the entry process are prohibited.

### 1.6 Use of Competition Venues

Teams shall not use competition venues the day prior to a competition. Teams shall not reserve extra meeting space, conference rooms, side rooms, and/or courtrooms on the day of competition. Teams and their visitors may not move furniture or bring food and beverages into the courtroom and in some cases, the courthouse entirely. Any courthouse

used for purposes of scrimmaging or practicing should be used with the same standard of care and appreciation expected on the day of competition.

### 1.7 Participation in All Rounds Assigned

Teams are required to participate in all competing rounds and bye rounds assigned. Other than in a case of an emergency pursuant to Rule 1.3 (A and) B Emergencies, a team that forfeits a round is automatically disqualified and ineligible to compete the following school year. (For additional information on bye rounds, see Rule 5.9 Bye Round.)

### 1.8 Forms of Team Participation

Teams participate in the regional competition in a competitive format, which includes competing in all rounds assigned. Teams do not perform both sides of the case at the same time, but by the end of the competition – have performed both sides of the case. All teams are eligible to advance to the state competition, but only the top twelve highest scoring teams advance and compete in the state competition. For high school, the state champion represents South Carolina in the National High School Mock Trial Championship competition using a new national case.

## SECTION II: THE CASE

### 2.1 The Case

The Mock Trial Case is a fictitious fact pattern. The Mock Trial Case materials may contain any of the following: statement of facts, indictment pleadings, stipulations, witness affidavits, jury charges, orders/rulings, and exhibits. Stipulations shall not be disputed at trial. Case materials shall not be altered.

There are two types of cases – civil and criminal. A civil case has a plaintiff and a defense side. A criminal case has a prosecution and a defense side.

The case consists of three witnesses per side, all of whom have names and characteristics that would allow them to be played by anyone. All witnesses must be called.

Teams shall refer only to the Mock Trial Case provided by the SC Bar. Teams shall not cite or refer to any cases, statutes, resources, or other legal authority not included in the Mock Trial Case Materials or Competition Handbook.

The SC Bar provides one bound notebook of the competition handbook, the case materials one set of enlarged exhibits (11"x17") placed in a neutral location accessible to both teams. The presiding judge has a copy of the case materials and competition rules. The scoring judges have access to the case materials with exhibits.

Printed resources in the courtroom provided by the SC Bar may not be highlighted, written on, or flagged. Teams may use personal copies of the competition materials at their counsel tables only. Personal trial notebooks, exhibits, prepared timelines, or other documents prepared by teams are not to be shown to the presiding judge, the scoring judges, or the opposing team.

Case materials in digital format may not be used in courtrooms.

## 2.2 Witnesses Bound by Statements

Each witness is bound by the facts contained in the witness's affidavit, the stipulations, and/or any exhibits referenced in that witness's affidavit. A witness is not bound by facts contained in other affidavits.

### **Official Comments:**

**Comment #1:** *A witness may refer to facts in other affidavits/exhibits in the Mock Trial case materials, but is not required to agree with them. The witness is also not required to know what information is in other materials.*

**Comment #2:** *"Calls for facts not in the witness's affidavit" or "Calls for creation of a material fact" (or anything similar) are **not** proper objections. If a witness is asked a question, but the answer is not contained in that witness's affidavit (or reasonably inferable from it), the witness may (but is not required to) answer based on other evidence in the case or can simply respond "I do not know" (or "I do not know, that information is not in my affidavit").*

**Comment #3:** *If an attorney asks multiple cross-examination questions about information that is not actually contained in the witness's affidavit (nor reasonably inferable from the case materials) and appears to be doing so for the purpose of limiting the witness's ability to perform in that role, the attorney presenting the witness should consider an objection under Rule 611 (a)(3) ("harassing the witness") or Rule 402 (calls for irrelevant information). Scoring judges decrease scores if they believe a team is engaging in "gamesmanship" by taking advantage of the artificial nature of Mock Trial.*

## 2.3 Creation of Material Fact

Teams shall not offer, through testimony or other evidence, a material fact that is not contained in the Mock Trial Case affidavits or exhibits. A "material fact" is a fact that cannot be reasonably inferred from the affidavits and exhibits in the Case Materials and that would provide one side a significant legal advantage.

If a witness is asked, either during direct or cross-examination, for information that is not contained in the witness's affidavit, the witness may answer the question, but only if the answer is consistent with the affidavit and the answer does not materially change the witness's testimony or any substantive issue in the case. An answer inconsistent with the witness's affidavit that materially changes the witness's testimony or a substantive issue in the case is a Creation of a Material Fact that violates this rule, even if the testimony was offered innocently, accidentally, or in good faith.

Objections based on this rule must be made immediately following the introduction of the challenged testimony or other evidence. See Rule 6.2(B) – Violations: During Trial – Creation of Material Fact Violations. The creation of material fact objection is not raised in the dispute process.

### **Official Comment:**

*The best way for a team to expose and attack its opponent's Creation of Material Fact is through impeachment and closing arguments, in the ordinary course of the trial. A team that deals with Creation of Material Facts in this fashion is generally considered by the scoring judges to be more sophisticated, accomplished, and experienced than a team that simply objects to "Creation of Material Fact" without trying to first impeach. Nevertheless, to ensure the integrity of the Mock Trial Competition and to provide a remedy for situations*

*in which created material facts cannot easily be challenged through impeachment or closing argument, a special Mock Trial Objection – “Creation of Material Facts Objection – was established.*

**Example:**

*Assume a defendant is asked the defendant’s age, but the age of the witness is not contained in the affidavit. In a case for breach of contract, the fact that the defendant is 30 would usually be immaterial. This witness could testify to being 30 years old without violating the Creation of Material Fact Rule. In the trial of a person for underage drinking; however, the defendant’s age is material. The witness could not testify being 30 years old and not under 21, because it automatically established the defendant’s innocence – a significant legal advantage.*

*When considering whether a fact is “material” or not under this rule, ask yourself whether the creation of the fact significantly helps the other side’s case or it is a fact that your opponent would want to include in a closing argument. If the answer is “yes,” the fact is material and you should attempt to impeach the witness with the witness’ very own affidavit. If you are not able to do that because of time constraints, a Creation of Material Fact Objection is appropriate.*

## 2.4 Gender of Witnesses

All witnesses are gender neutral. Any student may portray the role of any witness of any gender. Personal pronoun changes in witness statements indicating the preferred gender of the characters shall be made by the teams during each round. Gender options on the Team Roster Form are: F, M, or X.

**Official Comment:**

*If pronoun usage is difficult to change from round to round, consider referencing the witness by name only.*

## 2.5 Voir Dire

Voir Dire examination of an expert witness is not permitted.

# SECTION III: TEAMS

## 3.1 Team Eligibility

Schools are limited to registering one Mock Trial team.

Schools must have a teacher coach/sponsor approved by the principal to lead the team and to accompany the team at competitions. The principal must be noted on the team’s registration and authorization form as the responsible party. In the event the lead teacher coach is unable to attend the competitions, a new authorization form must be completed with the replacing person’s contact information.

Students who comprise a team must be enrolled at the same school. Middle school students shall compete only in the Middle School Mock Trial competition. High school students shall compete only in the High School Mock Trial competition.

Schools eligible to compete in the Mock Trial competition include traditional schools (public, private and charter), career schools, magnet schools, alternative schools, home schools (within the same school district or association), and virtual schools in the state of South Carolina. District-wide programs are not considered as schools.



If a school district reassigns students that have previously participated on a school's Mock Trial team to a school that does not have a Mock Trial team, those students are eligible to audition and compete at their original school. If the new school starts Mock Trial, the student(s) would only be eligible at the new school. (Note: The lead teacher coach is responsible for notifying the State Mock Trial Coordinator of any students assigned to a new school, but still competing at the original school. The prior participation of each student must be confirmed and approved by the State Mock Trial Coordinator on or before the [Code of Ethical Conduct Form Agreement / Individual Talent Release](#) form is due electronically each year.)

Following the definitions prescribed by the South Carolina Code of Laws, the South Carolina Bar Law Related-Education Division considers students in grades five through eight to be "middle school students" and students in grades nine through twelve to be "high school students"; provided, however, that seventh and eighth grade students from a school with no grades lower than the seventh grade are considered "Junior High School" students and shall compete only in the Middle School Mock Trial Competition.

Home-schooled students and charter school students may compete on the Mock Trial team of a public school within whose attendance boundaries the student resides, and at the grade level corresponding to the student's grade level. The school registered to compete in Mock Trial must submit a letter of eligibility for each home-schooled student before the student can be placed on the school's team roster. Home-school groups and home-school co-ops may also compete as stand-alone teams separate from a public or private school, provided that all students on the roster not be enrolled in a public or private school.

The entire team of performing students must be on-site and physically seen by the lead teacher coach to complete the on-site registration process. If a team is delayed from registering by the arrival of a student, the teacher coach is to alert the Regional and/or State Mock Trial Coordinator of the situation.

### 3.2 Team Composition and Allocation of Duties

Performing roles are as attorneys and witnesses. In addition, teams must designate student team members to handle the duties of bailiff and timekeeper, which may be handled by the same team member. No other team member may play more than one role on the same side during a round.

No additional students may be added to the Team Roster Form (provided digitally to each team in advance of the competition) once the Team Roster is submitted 10 days prior to regional competition. Only students listed on the Team Roster Form may compete at the regional competitions or advancing competitions. See Rule 3.5 Team Roster Form. Changes may only be made in case of emergency.

Team alternates can substitute for missing, late, and/or sick students prior to the beginning of each round. The Team Roster Form can have student team members move positions or deleted from positions from the regional competition to the state competition, but new student team members may not be added.

All competing students must be present in the courtroom at the time the bailiff announces the presiding judge.

If a team is missing a competing student, the team may substitute with another student listed on the Team Roster Form. The roster for the round should reflect any changes made.

If reallocating any student lawyer responsibilities breaks the balance of attorney role distribution, the team is subject to penalties for misallocation of duties pursuant to rules, Rule 5.4 Completion of Scoresheets, and Rule 6.3 Scoring Penalties. Should there not be enough students to fill in for the missing competing student(s), the Regional and/or State Coordinator should be alerted prior to the start of the round that the team is forfeiting.

All witnesses listed in the case materials must be called. Failure to call all witnesses results in the team automatically forfeiting. The non-forfeiting team is treated like a bye round team. See Rule 5.9 Bye Round.

Witnesses should automatically take the stand without refusal. Witnesses undergo direct and cross-examinations without protest. Failure to do so results in team forfeiture. The non-forfeiting team is treated like a bye round team. See Rule 5.9 Bye Round.

Some of the attorney roles incorporate the right to object, which is covered under Rule 4.4-G Trial Sequence – Objections.

If a team does not provide a timekeeper, the team is subject to penalties for misallocation of duties pursuant to this rule, Rule 4.5-A Timekeeping, Rule 5.4 Completion of Scoresheets, and Rule 6.3 Scoring Penalties with a mandatory 8 point penalty per scoring judge.

Each team must present the side of the case assigned in each round. Teams are responsible for presenting both sides of the case during a competition but may only perform one side of the case per round. Because of three rounds, a team will perform one side of the case twice, which is undetermined until competition day. The following duties are performed during a round with a team's Case-in-Chief:

“A” = student attorney performance

“W” = student witness performance

**Prosecution / Plaintiff Performance Order**

1. Opening Statement (A)
  2. Witness Performance No. 1 (W)
  3. Direct Examination of Witness No. 1 (A)
  4. Witness Performance No. 2 (W)
  5. Direct Examination of Witness No. 2 (A)
  6. Witness Performance No. 3 (W)
  7. Direct Examination of Witness No. 3 (A)
  8. Cross-Examination of Opposing Witness No. 1 (A)
  9. Cross-Examination of Opposing Witness No. 2 (A)
  10. Cross-Examination of Opposing Witness No. 3 (A)
  11. Closing Argument (A)
- Timekeeper \*  
Bailiff \*

**Defense Performance Order**

1. Opening Statement (A)
  2. Cross-Examination of Opposing Witness No. 1 (A)
  3. Cross-Examination of Opposing Witness No. 2 (A)
  4. Cross-Examination of Opposing Witness No. 3 (A)
  5. Witness Performance No. 1 (W)
  6. Direct Examination of Witness No. 1 (A)
  7. Witness Performance No. 2 (W)
  8. Direct Examination of Witness No. 2 (A)
  9. Witness Performance No. 3 (W)
  10. Direct Examination of Witness No. 3 (A)
  11. Closing Argument (A)
- Timekeeper \*  
Bailiff \*

\* If needed, the timekeeper and the bailiff can be the same student. The timekeeper and/or bailiff may also be another team member not performing as a student attorney or witness role during that round.

\* If the team does not provide a bailiff due to a limited number of students, the bailiff from the opposing team may be asked to perform bailiff responsibilities.

**A. Middle School Team Composition**

Middle school teams are comprised of 6 to 16 students. Teams are encouraged to have more than the minimum number of students as the team dynamics can change from the time of building a team and competing. Having more team

members than the minimum helps prevent a team from withdrawing due to falling below the minimum requirement.

A maximum of 16 students wear team badges. Remaining students associated with the team are required to wear visitor badges and sit with the visitors. All coaches have separate badges from the allocated badges for students.

For each trial round, middle school teams may have a minimum of two and a maximum of four students performing as attorneys, three students performing as witnesses, a timekeeper, and a bailiff (or one student performing the role of timekeeper and bailiff simultaneously). Student attorneys must divide the eight attorney roles among themselves as evenly as possible. The opening statement and closing argument must be delivered by different student attorneys. Student attorneys always have more than one role. When the number of attorneys performing on a team is under two or exceeds four attorneys, the team is penalized ten points by each scoring judge.

**Official Comment:**

**Middle School Teams with 2- 4 Student Attorneys:**

- **2 Student Attorneys:** *Dividing the 8 attorney roles, one student attorney delivers the opening statement; the other student attorney delivers the closing argument; and both student attorneys evenly divide the direct and cross-examinations.*
- **3 Student Attorneys:** *Dividing the 8 attorney roles, one student attorney delivers the opening statement and another student delivers the closing argument. There are six remaining roles (3 directs and 3 crosses). Each of the three students handle two of the six remaining attorney roles.*
- **4 Student Attorneys:** *Dividing the 8 attorney roles, one student attorney delivers the opening statement and handles one witness examination; another student attorney delivers the closing argument and handles one witness examination; and the remaining two student attorneys each have two witness examinations.*

*NOTE: For middle school teams, it is okay for the Prosecution/Plaintiff side of your team to have a different number of attorneys than your Defense side of your team. The key is to have the attorney roles balanced on each side.*

If your team has the minimum number of students, prepare for students to have double roles to perform both sides of the case.

**B. High School Team Composition**

High school teams are comprised of 7 to 16 students. Teams are encouraged to have more than the minimum number of students as the team dynamics can change from the time of building a team and competing. Having more team members than the minimum helps prevent a team from withdrawing due to falling below the minimum requirement.

A maximum of 16 students wear team badges. Remaining students associated with the team are required to wear visitor badges and sit with the visitors. All coaches have separate badges from the allocated badges for students.

For each trial round, high school teams have **three** students required to perform as attorneys, three students required to perform as witnesses, a required timekeeper, and a bailiff for when the team performs as Prosecution/Plaintiff (or one student performing the role of timekeeper and bailiff simultaneously.) Student attorneys must divide their duties among themselves as evenly as possible. The opening

statement and closing argument must be delivered by different student attorneys. Student attorneys always have more than one role. When the number of attorneys performing on a team is more or less than three attorneys, the team is penalized ten points by each scoring judge.

**Official Comment:**

**High School Teams with 3 Student Attorneys Required:**

- **3 Student Attorneys:** *Dividing the 8 attorney roles, one student attorney delivers the opening statement and another student attorney delivers the closing argument. There are six remaining roles (3 directs and 3 crosses). Each of the three students handle two of the six remaining attorney roles.*

*A team member can perform duties on both the Prosecution/Plaintiff and Defendant/Defense side of a case since both sides of the team do not perform at the same time. For example, a student could play the role of a witness on the Prosecution/Plaintiff side and an attorney on the Defense side.*

*If on the day of competition, a team is missing a competing student, the team may substitute with another student listed on the Team Roster, which was submitted previously. Changes made for the round should be written into the team rosters provided to the lead teacher. If reallocating any student lawyer responsibilities breaks the balance of attorney role distribution, the team is subject to penalties for misallocation of duties pursuant to this rule, Rule 5.4 Completion of Scoresheets, and Rule 6.3 Scoring Penalties. Should there not be enough students to fill in for the missing competing student(s), the State and/or Regional Coordinator should be alerted prior to the start of the round that the team is either forfeiting or they are continuing with fewer students and the team understands they are penalized 10 points per scoresheet. The non-forfeiting team is scored like they are in a bye round.*

High school teams may also have courtroom sketch artists and courtroom journalists, which may not double as bailiffs, timekeepers, or any other team role. Courtroom sketch artists and journalists compete solely on their own efforts. See Section VII: Courtroom Sketch Artist Competition and Section VIII: Courtroom Journalist Competition for more details. Students participating in the Sketch Artist or Journalist Competition may do both if they choose.

C. National High School Mock Trial Team Composition

When a high school team advances from the State High School Mock Trial Competition to the National High School Mock Trial Championship, competing students consist of the winning state team members. Per the SC Bar Law Related Education Division, the state team may only substitute two alternate students listed on the state team roster. Six of the nine advancing students must have performed at state as an attorney or a witness.

Should the state team need to substitute more than two performing students with alternate students listed on the state team roster, the SC Bar reserves the right to remove the state team at any point prior to the national competition. *At no time may the team substitute other persons for official team members outside of the state winning team.*

Teams competing in the national competition consist of seven to nine official student members assigned to attorney, witness, and timekeeper roles representing the Prosecution/Plaintiff and Defense sides. The state team must have seven

members minimum. Only seven of the nine official members participate in any given round with three attorneys, three witnesses, and a timekeeper.

The role of the timekeeper may alternate among different team members. The National Team Roster become official at the close of on-site registration at the national competition.

The state advancing team is required to sign the High School Mock Trial National Advancement Commitment Form to Compete, which is due at noon the Friday following the state competition with no exceptions to allow proper notification to the first runner-up team, if needed. All state advancing teams should begin collecting this signed form prior to state. All forms are to be collected by the lead teacher coach, scanned, and emailed as one file to the SC Bar.

**Official Comment:**

*Teams should have more students than roles as teams tend to get smaller as the Mock Trial season progresses.*

*Teams do not perform both sides of the case at the same time. Eight attorney duties per round are divided among the student attorneys as evenly as possible.*

### 3.3 Bailiff

A student performing the bailiff role serves as a court attendant. Each team is required to have a bailiff when performing the Prosecution/Plaintiff side of the case. If limited on the number of students, the bailiff may also perform the role as a timekeeper – but no other roles in a single round. A student may perform as an attorney or witness in one round and then serve as a bailiff and/or timekeeper in a subsequent round.

There are several Bailiff roles. The Prosecution/Plaintiff bailiff is the official bailiff of the round. If the Defense team has a bailiff, which is to assist the Prosecution/Plaintiff bailiff in monitoring the courtroom for communication, badge collection, and any other duties as assigned by the presiding judge, i.e. collecting and/or distributing forms.

A. Opening of the Court:

The Prosecution/Plaintiff's bailiff announces the opening of the court to include the name of the case and the name of the presiding judge. Prior to the round starting, the bailiff should be alert for the arrival of the presiding judge and scoring judges. The presiding judge provides the bailiff with a card containing the script to be said along with the presiding judge's name. There is a different script used for this announcement depending on if the case is civil or criminal.

**Civil Case Opening Script:**

*"All Rise!! The Court of Common Pleas Seventeenth Judicial Circuit is now in session. The case for trial today is \_\_\_\_\_ v. \_\_\_\_\_. The Honorable \_\_\_\_\_ presiding."*

**Criminal Case Opening Script:**

*"All Rise!! The Court of General Sessions Seventeenth Judicial Circuit is now in session. The case for trial today is State of SC v. \_\_\_\_\_. The Honorable \_\_\_\_\_ presiding."*

B. Swearing in Witnesses:

The Prosecution/Plaintiff's bailiff swears in all witnesses at once when directed by the presiding judge after the opening statements. The presiding judge provides the bailiff with a card containing the following script:

*“Do you promise the testimony you are about to give will faithfully and truthfully conform to the facts and rules of the Mock Trial competition?”*

C. Monitoring Courtroom for Communication:

Bailiffs from both teams are responsible for monitoring to see if any communication takes place over the bar. There is no communication over the bar during the entire trial and no communication with the competing team members during the recess, which includes no communication with the timekeepers, bailiffs, artists (HS), or journalists (HS). If any communication is noted, there is an opportunity for the bailiff to disclose this information to the team and coaches during the two-minute dispute process with coaches when the trial is over. The bailiff has no communication with the team during the round or recess.

D. Verifying Exhibits

Bailiffs are responsible for verifying all the large exhibits provided by the SC Bar are in numerical order and are in a neutral location for both teams as they are not controlled by any one person or team. The exhibits should be checked before the round starts, at the beginning of the recess in preparation for the closing arguments, and again at the end of the trial to reset the courtroom for the next round. Additional things the bailiff should look for when examining the exhibits is to make sure they are not highlighted or flagged.

E. Collecting Badges at End of Competition

Bailiffs are to assist the teacher coach in collecting all badges worn by coaches, students, and visitors after the last round in the competition day and turn into the presiding judge before leaving the last competition round. At the state competition, badges are collected at the end of both competition days.

F. Seating Placement

The bailiffs may sit with the timekeepers on the first row of the jury box. If no space is available, the bailiff should sit with the team.

### 3.4 Scrimmages are Permissible

Teams are permitted and encouraged to scrimmage either in-person and/or virtually with other teams at any time. It is a violation of this rule for teams to seek information about opposing teams in rounds from individuals who observed such scrimmages, including members of the team competing in that scrimmage. (Check out the scrimmage board to arrange scrimmages with other teams. [Click Here](#))

### 3.5 Team Roster Form

The Team Roster form requires every team member to be assigned a role – attorney, witness, alternates, bailiff, timekeeper, artist (HS only), or journalist (HS only), teachers, and attorney coaches. Once the Regional Rosters are completed, and prior to the established deadline, this constitutes the official team. Changes can be made prior to Regionals in emergency situations only and sent to [mkirk@scbar.org](mailto:mkirk@scbar.org). **The names listed on the Regional Roster form are the only members who may compete in the**

**Regionals or advance to the State competition, if applicable.** All witnesses are listed in order of performance and gender to include: F, M, or X.

### 3.6 Code of Ethical Conduct Agreement, Individual Talent Release Form and School Information Sheet

The lead teacher coach must send each participating teacher coach, attorney coach, and student the link to the [Code of Ethical Conduct Form Agreement / Individual Talent Release Form](#) for individual completion and submit electronically by the stated deadline. When sending the link to team participants, lead teachers include their email address to ensure a completed copy is forwarded to the teacher coach to track which participants have/have not completed the required link. This form provides the lead teacher with notification as to those approving recording. Any additions or deletions to the team must also complete the necessary link by the stated deadline. *(See the Forms and Supporting Information Section for a description of the form, directions, and samples of completed forms.)*

The School Information Sheet is completed electronically by the lead teacher coach and is submitted prior to the Code of Ethical Conduct Agreement and Individual Talent Release Forms. This form is used for certificates and press releases, so please be certain names are spelled correctly, and student preference is considered (Ex. William v. Billy).

### 3.7 Disability Accommodations

If special accommodations are needed for participants with a disability, the lead teacher coach must address the issue with the State Mock Trial Coordinator when registering for the competition or as soon as possible thereafter. The State Mock Trial Coordinator works with the lead teacher coach and the Regional Mock Trial Coordinator to make reasonable accommodations for the individual to the extent fairness to all participants, time constraints, and facilities allow. All accommodation requests should be made as soon as known, but no later than ten business days prior to a competition date.

Documentation regarding a specific disability may be required for special arrangements to be made. Confidentiality of information received is maintained, except to the extent disclosure is necessary to make the accommodation(s).

### 3.8 Withdrawing from the Competition

Teams are notified in the Mock Trial competition registration form of the date a team can withdraw without penalty. All registration fees are non-refundable.

Should a team need to withdraw after the drop deadline date provided, the lead teacher coach must complete the Team Drop Form provided on the SC Bar Web site. The lead teacher coach and the principal must sign and submit the completed form to the State Mock Trial Coordinator immediately upon withdrawing the team. Withdrawal after the deadline can result in extreme hardship in coordinating the competition. A team withdrawing after the drop deadline is suspended for one year from the competition. However, the team's lead teacher coach and/or principal may petition the Mock Trial Sub-Committee to waive the suspension. Teams advancing to the next level of competition are notified by the SC Bar of withdrawal deadlines applying to the next level of competition. Registration fees are non-refundable for any reason.

### 3.9 Communication with Mock Trial Coordinators

Any concerns, issues, or feedback discussed with the State and/or Regional Mock Trial Coordinator are to be made solely by the lead teacher coach and/or the attorney coach.

Any communication not from the lead teacher coach or attorney coach is non-compliance and is subject to Rule 6.4 Discipline for Non-Trial Rules Violations. This rule is in place before and during the competition.

All post-competition communication is to be made solely by the lead teacher coach and/or attorney coach directed to the State Coordinator only. There is no reaching out to the judges or regional coordinators post-competition. Any post-competition communication not directed to the State Coordinator subjects the team to penalties up to disqualification the following school year.

## SECTION IV: THE TRIAL

### 4.1 Courtroom Setting

The Prosecution/Plaintiff team shall be seated closest to the jury box. No team shall rearrange the courtroom furniture or add chairs to the assigned room. If space permits, the Defendant may sit at the counsel table.

### 4.2 Stipulations

The stipulations shall be considered part of the record and already admitted into evidence.

### 4.3 Reading into the Record Not Permitted

The Stipulations, the Complaint, the Answer, the Indictment, and the Charge to the Jury are not read into the record during the trial.

### 4.4 Trial Sequence

At each competition, teams present both the Prosecution/Plaintiff (P) and Defense (D) sides of the case. Teams do not perform both sides of the case at the same time.

Team pairings are listed P v. D. An example with the team codes listed would be AB v. CH. Team Code (AB) represents the Prosecution/Plaintiff and team code (CH) represents the Defense.

The presiding judge oversees pre-trial matters, the trial process, and post-trial process. The presiding judge also makes rulings that are final, monitors the time, and protects witnesses from harassment or unnecessary embarrassment.

#### A. Standing During Trial

Students who are able shall stand while delivering opening statements, conducting direct and cross-examinations, raising and responding to objections, and otherwise addressing the presiding judge. Witnesses shall also stand during the oath, if able.

#### B. Bench Conferences

Teams are not permitted to request bench conferences during a trial. However, if a presiding judge requests a bench conference, the teams shall follow the presiding judge's instructions.

#### C. Beginning / Ending of Trial

The competition round officially begins when the presiding judge asks if both teams are ready to proceed. The competition round officially ends after the dispute process has concluded and the peer nominations made.



D. Opening Court

The bailiff for the Prosecution/Plaintiff team is responsible for opening court after the scoring judges enter the room and are seated. The bailiff announces the name of the case and the name of the presiding judge. The bailiff for the Prosecution / Plaintiff team is responsible for swearing in the witnesses all at once when directed by the presiding judge. (See Rule 3.3-B Bailiff Swearing in Witness.)

The presiding judge instructs the teams to introduce themselves (witnesses introduce in the order they will be called) and delivers some brief housekeeping announcements. No pre-trial arguments or motions are entertained by the presiding judge.

E. Presentation of the Case

The case is tried by a jury. Arguments are made to the presiding judge and scoring judges. Teams may address the scoring judges as “members of the jury.”

**Presentation Order:**

- Opening statement delivered by the Prosecution/Plaintiff opening attorney.
- Opening statement delivered by the Defense opening attorney.
- Prosecution/Plaintiff then presents its Case-in-Chief with all three witnesses.
  - Witness #1
    - The directing attorney calls the first Prosecution/Plaintiff witness to the stand.
    - The directing attorney asks Witness #1 questions.
    - The opposing team’s crossing attorney asks Witness #1 questions.
    - The directing attorney can re-direct.
    - If there is a re-direct, then crossing attorney can re-cross.
  - Witness #2
    - Repeat process for witness #1 here.
  - Witness #3
    - Repeat process for witness #1 here.
- Recess (5-minute restroom break for team members and judges in front of bar)
- Defense then presents its Case-in-Chief with all three witnesses.
  - Witness #1
    - The directing attorney calls the first Defense witness to the stand.
    - The directing attorney asks Witness #1 questions.
    - The opposing team’s crossing attorney asks Witness #1 questions.
    - The directing attorney can re-direct.
    - If there is a re-direct, then crossing attorney can re-cross.
  - Witness #2
    - Repeat process for witness #1 here.
  - Witness #3
    - Repeat process for witness #1 here.
- Recess (2 minutes to prepare for closing with no one leaving courtroom)
- Closing argument presented by Prosecution/Plaintiff attorney. The team may conduct a rebuttal if remaining time permits. (See Rule 4.4-K Trial Sequence: Rebuttal.)
- Closing argument presented by Defense attorney.
- Rebuttal argument presented by Prosecution/Plaintiff attorney.

- Recess (1 minute to determine if disputes are warranted)
- Recess (2 minutes to prepare response to disputes if applicable)
- Dispute Process
- Peer Awards and after third round, Civility Award
- Departure

Each team must call all three of its assigned witnesses listed in the case materials. Witnesses may not be recalled by either side. Teams may not call the opposing team's witnesses. Teams must call their third witness even if the team runs out of time. (See Rule 4.6-D – Time Limits: Calling Last Witness When Time Expired.)

F. Exhibits

The SC Bar provides each courtroom with one enlarged (11x17) color set of exhibits, one bound copy of the mock trial case materials, and one and one bound copy of the competition handbook placed in a neutral location accessible to both teams. The scoring judges also have access to a separate set of exhibits. (See Rule 3.3 – Bailiff: Verifying Exhibits.)

G. Objections

A student attorney may object at any time to challenge the admissibility of evidence according to the Mock Trial Rules of Evidence except during the opening statement or closing argument as described in Rule 4.4(L) Objections During Opening Statement and Closing Argument. The student attorney wishing to make the objection shall stand, if able, state "Objection, your Honor." and state the basis for the objection.

Students may not use any objections outside of the Modified Rules of Evidence used for the Mock Trial Competition.

When an objection is made, the presiding judge asks the objecting attorney to defend the objection. Then the presiding judge ordinarily provides the opposing student attorney an opportunity to defend why the question is proper or the evidence is admissible. After the opposing counsel has responded, there is no more argument on that objection unless requested by the presiding judge. The presiding judge then decides whether the objection is "Overruled" or "Sustained." If an objection is overruled thereby allowing the question to be answered or the answer to remain in the trial record, the objecting student attorney cannot "Move to Strike" the evidence from the record. If an objection is sustained thereby disallowing the question or the answer, the objecting student attorney should "Move to Strike" to remove harmful testimony from the record. (See Rule 4.7 (A) Motions.) Students are not scored based on the presiding judge's rulings, but rather on how the students argue and respond to the objection. Students are also scored on their ability to adjust to the admission or exclusion of evidence resulting from the presiding judge's ruling. (See 4.4 (L) Objections During Opening Statement and Closing Argument for additional information on objections.)

*An objection example correctly made is "Objection." Then wait for the presiding judge's attention and then state, "Objection, your Honor. Relevance." Attorneys may not make speaking objections or provide explanation unless requested by the presiding judge. Example of a speaking objection not permitted, "Objection, your Honor. The question about ABC is not relevant because we are here today to determine XYZ and ABC is not relevant to that."*

The student attorney who conducts the direct examination of a witness is the only student who may make objections during the opposing attorney’s cross-examination of that witness. Likewise, the attorney who conducts cross-examination of a witness is the only student who may object during the preceding direct examination of that same witness. An objecting student attorney may confer with co-counsel concerning the objection after obtaining permission from the presiding judge, but only that student attorney may address the presiding judge. Time does not stop for consulting with co-counsel.

**A video link showing objection examples can be viewed. Visit [www.scbar.org/lre](http://www.scbar.org/lre) and the click on Middle School or High School Mock Trial on the left of the main page. Go to *Videos for Coaches and Students* and then scroll through the video clips available.**

**Official Comment #1:**

**Possible Objections**

**A. Argumentative Questions** .....Evidence Rule 902

**B. Lack of Proper Foundation**.....Evidence Rule 904

**C. Assuming Facts Not in Evidence**.....Evidence Rule 901

**D. Questions Calling for Narrative or General Answer** .....Evidence Rule 611

**E. Non-Responsive Answer**  
 A witness’ answer is objectionable if it fails to respond to the question asked. Or, if answer runs merely for the purpose of wasting time.

**F. Repetition / Asked and Answered**  
 Questions designed to elicit the same testimony or evidence previously presented in its entirety are improper if merely offered as a repetition of the same testimony or evidence from the same or similar source.

**G. Irrelevant Evidence** .....Evidence Rule 402

**H. Leading** .....Evidence Rule 611

**I. Improper Character Testimony** ..... Evidence Rule 404-405

**J. Hearsay** ..... Evidence Rule 801-802

**K. Opinion** .....Evidence Rule 701

**L. Lack of Personal Knowledge** .....Evidence Rule 602

**M. Creation of Material Facts** ..... Competition Rule 2.3

*Teams are not precluded from raising additional objections available under the Mock Trial Rules of Evidence.*

**Official Comment #2:**  
*An objection that a witness is being “non-responsive” is frequently made during cross-examination, when the cross-examiner has asked a “yes” or “no” question and the witness said more than a “yes” or “no” in response. Though the practices of presiding judges differ on this point, most presiding judges allow a witness, in response to a “yes” or “no” question from a cross-examiner, to give a brief, one-sentence explanation of the answer after saying “yes” or “no.” Most presiding judges cut the witness off after a sentence or so of explanation (if requested to do by the cross-examining attorney), on the grounds that any further explanation is better left to re-direct examination. Teams shall be prepared to adjust their objections on this point to the preferred style of the presiding judge.*

**Official Comment #3:**

*The reference to both “E. Non-Responsive Answer” and F. Repetition/Asked and Answered” is Evidence Rule 403 (“wasting time”).*

**Official Comment #4:**

*Better Mock Trial teams handle objections by making fewer objections and handling most objectionable items on cross-examination. And, they think “quality” of objections verses “quantity.”*

*Please refer to Rule 2.2 (Witness Bound by Statements) under Official Comment #3.*

H. Redirect / Recross

Redirect and recross-examinations are permitted. The scope of cross-examination is not limited to the scope of the direct examination. The scope of re-direct; however, is limited to the subject matter of the cross-examination of that witness. Likewise, the scope of re-cross is limited to the subject matter of the re-direct. No additional examination is permitted.

I. Recesses

Teams are granted up to a five-minute recess in between Case-in-Chief presentations. An additional two-minute recess takes place prior to presenting closing arguments to allow each team time to prepare their closing argument. During the first five-minute recess, competing team members and judges in front of the bar are permitted to leave for restroom break with no communication with anyone. In the second two-minute recess prior to closings, no one is permitted to leave the courtroom or have any communication with the bailiff, timekeeper, artist (HS), journalist (HS) nor anyone behind the bar. Any communication in violation of this rule subjects the offending team to a penalty in accordance with Rule 4.10 Trial Communication and Rule 6.3 Scoring Penalties. Individuals behind the bar may not leave or communicate during either recess.

**Official Comment:**

*The National High School Mock Trial competition does not provide for a recess prior to the closing arguments. Please be aware of this if your team advances to the national competition.*

J. Closing Argument

Closing arguments must be based on the actual evidence and testimony presented during the trial. If evidence was not presented during the trial, it cannot be used in the closing arguments. The Prosecution/Plaintiff delivers its closing argument first, followed by the Defense.

K. Rebuttal

The Prosecution/Plaintiff may reserve a portion of its closing time for a rebuttal. They need not request or state that they are reserving time for a rebuttal. The rebuttal is limited to the scope of the Defendant’s closing argument.

L. Objections During Opening Statement and Closing Argument

No objections may be raised during opening statements or during closing arguments. If a student attorney believes an objection would have been warranted during the opposing team’s opening statement or closing argument,

the opposing student attorney for the respective opening or closing may stand to be recognized by the presiding judge and say, “Your Honor, if I had been permitted to object during the opening statement/closing argument, I would have objected to the statement that \_\_\_\_\_.” The opposing team is allowed a rebuttal. The presiding judge does not rule on the objection. Each scoring judge weighs the objection and awards or deducts points for each attorney individually. The objection may only be made immediately following the opening statement/closing argument and may not be raised as a Post-Trial Dispute.

A video link showing an [Objection to a Closing Argument](#) example can be viewed. Visit [www.scbars.org/lre](http://www.scbars.org/lre) and click on Middle School or High School Mock Trial on the left side of the main page. Go to *Videos for Coaches and Students* and then scroll through the video clips available.

**Official Comment:**

*The objection permitted by this rule should generally be used only to challenge an opening statement that improperly argues the law, as opposed to setting forth a summary of the evidence to be presented.*

*The objection permitted by this rule should generally be used only to challenge a closing argument that is not based on evidence properly admitted at trial. An attorney making such an objection should be prepared to describe the specific evidence (or inference therefrom) on which the challenged argument is based.*

*Teams should not use this rule merely to challenge the strength or logical force of their opponent’s arguments. Scoring judges consider such use of this rule improper, and they may, in their sole discretion, adjust their scores accordingly.*

**Example No. 1:** *Plaintiff’s attorney in a medical malpractice trial argues in the closing argument that the Plaintiff should prevail because the opinion of Plaintiff’s witness, Dr. Reed, conclusively showed that the Defendant was negligent. At the conclusion of the closing argument, Defense attorney invokes this rule and objects to the portion of Plaintiff’s closing argument that referred to Dr. Reed’s expert opinion. Defense attorney argues that, since Dr. Reed was never admitted as an expert by the Court, Plaintiff’s attorney’s discussion of Dr. Reed’s “expert opinion” is based on facts not in evidence. This argument is appropriate under this rule.*

**Example No. 2:** *Assume that, in the same trial, the presiding judge admitted Dr. Reed as an expert. At the close of Plaintiff’s closing argument, Defense attorney invokes this rule and objects. This time, Defense attorney argues that Plaintiff’s discussion of Dr. Reed’s expert opinion should be stricken because Dr. Reed is a quack who always testifies for Plaintiffs. This argument is inappropriate under the rule. Rather than challenge an argument based on facts not in evidence, it simply takes issue with the inferences to be drawn from properly admitted evidence. That sort of challenge shall be made in the closing argument itself, not in a post-argument objection.*

#### 4.5 Timekeeping

Time limits are mandatory and enforced. The Prosecution/Plaintiff timekeeper is the official timekeeper of the two timekeepers provided between the two teams competing in a trial. Presiding judges have the discretion to deal with any timekeeping issues and make final rulings. Timekeepers are responsible for fairly and accurately keeping and reporting the time during the trial presentation.

A. Timekeeper

Each team is required to provide a student who serves as the official timekeeper for that team. The Prosecution / Plaintiff timekeeper is the official timekeeper for that round, unless the presiding judge and scoring judges agree witnessing the lead timekeeper having difficulty in keeping time. The name of the timekeeper shall be noted on the Team Roster Form (released at the time of the case in the Forms Section on the LRE website at [www.scbars.org/lre](http://www.scbars.org/lre)). A different timekeeper may be used for each round. An attorney or witness may also serve as timekeeper if they are not serving in another capacity during that round. The bailiff may also serve as a timekeeper simultaneously.

If a team does not provide a timekeeper, the team is subject to penalties for misallocation of duties pursuant to this rule, Rule 3.2 Team Composition and Allocation of Duties, Rule 5.4 Completion of Scoresheets, and Rule 6.3 Scoring Penalties with a mandatory 8 point penalty per scoring judge. It is highly recommended that the performing timekeeper watch the timekeeper training available in the video resources section and practice while the attorneys practice directs and crosses.

B. Aids for Timekeeping

The SC Bar provides the following items on competition day:

- Timesheets: Timekeepers must sign timesheets and turn them in to the presiding judge at the end of each round.
- Additional Supplies: Scratch paper, erasable pen, and a clipboard.

Teams need to bring the following:

- 3 Sets of Timecards: **Timecards must be purchased prior to the competition. If already purchased, a new set of timecards does not need to be purchased.** The three sets of timecards are for the opening/closings, direct examinations, and cross-examinations. Timekeepers may only use the official timecards purchased from the SC Bar and no others. The timecards are provided in specific increments and noted accordingly. Modification of intervals is not permitted. Note that the timecards start in an ascending order (lowest to highest) and build to the maximum number of minutes in that section. In addition, as the timecards begin to reach the last minute allowed in that phase, the timecards change from white to yellow, and the last timecard is in red showing the maximum amount of time available and "STOP."
  - Opening/Closing Timecards: The timecards are provided in the following increments: 1:00, 2:00, 3:00, 4:00, 4:15, 4:30, 4:45, 5:00/STOP.
  - Direct Examination Timecards: The timecards are provided in the following increments: 2:00, 4:00, 6:00, 8:00, 10:00, 12:00, 14:00, 16:00, 18:00, 20:00, 21:00, 22:00, 23:00, 24:00, 24:15, 24:30, 24:45, 25:00/STOP.
  - Cross-Examination Timecards: The timecards are provided in the following increments: 2:00, 4:00, 6:00, 8:00, 10:00, 12:00, 14:00, 16:00, 18:00, 19:00, 19:15, 19:30, 19:45, 20:00/STOP.

- Two Stopwatches: One stopwatch is to track time for the Prosecution/Plaintiff side and one stopwatch is to track time for the Defense side. Cell phones and/or kitchen timers may not be used as stopwatches.

See the Forms and Supporting Information Section for a sample of the timesheet, the timecards ([opening/closing](#), [directs](#), [crosses](#)) print and [additional information for timekeepers](#).

C. Placement of Timekeepers

Timekeepers from both teams must be seated together and may not move from the SC Bar's assigned location unless the teams address any concerns with the presiding judge prior to the round starting and space is available for the change. The assigned seating location is in the front row of the jury box furthest from the witness stand so that scoring judges can be closest to the witness stand. Timekeepers are to remain seated during the trial.

D. Proper Communication

Timekeepers raise the SC Bar timecards quietly. Timekeepers may communicate with their competing team members only during the dispute process or when directed by the presiding judge.

E. Improper Communication

Timekeepers may not verbalize, wave the timecards, use hand gestures, or use any other means to get a student attorney's attention. Timekeepers may not communicate with any team members, coaches, courtroom artists (HS), courtroom journalists (HS), or visitors during the recesses.

F. Conferring Times / Reporting Overages or Discrepancies

At the end of each phase of the trial (e.g., after both opening statements, at the end of each Case-in-Chief (direct and cross), and at the end of the closing arguments), timekeepers record and confer with one another on the total amount of time used by both sides. A time discrepancy is reported to the presiding judge when the timekeepers do not have the same times (hence discrepancy) and if the times are more than 15 seconds. Up to 15 seconds in different times is permitted to allow for the variances in stopping and starting a stopwatch. If a student performed over the allotted time by more than 15 seconds, that is an overage and the presiding judge is immediately notified. The presiding judge rules on the overage immediately. After the ruling, the timekeepers clear their stopwatches for the next phase to begin. The decisions of the presiding judge resolving overages are final.

G. Timing

Timing begins for each trial phase when the first word during that phase is spoken by the student attorney or at the direction of the presiding judge. Time stops when the last word is spoken by the student attorney.

In a Case-in-Chief, there are three witnesses and each witness has a direct and cross-examination. When timekeeping, there are two stopwatches and two sets of timecards. One stopwatch records the direct while using the direct examination timecards. When the timing of the direct examination stops, the stopwatch also stops and time is recorded. Pick up the second stopwatch and the cross-examination timecards. Time the cross and record time used. If there is a re-direct

or re-cross, the timekeeper picks up the appropriate stopwatch and timecards. This process is repeated for the two remaining witnesses. Once the Case-in-Chief is finished with all three witnesses is when timekeepers record total times and confer with each other.

Time only stops for objections, questioning from the presiding judge, or administering the oath. Time does not stop for the introduction of exhibits, retrieving exhibits, re-organizing exhibits, or for student attorneys to confer with co-counsel. Timing is not held off for retrieval of exhibits prior to starting. The presiding judge has the discretion to stop the clock for any reason including any technical difficulties in a virtual competition.

Stopwatches continue timing as long as an attorney or witness is speaking even if the “STOP” card is reached, so that overages can be documented. Stopwatches are cleared after each phase (opening, the Case-in-Chief for each side, and closing).

H. Displaying Timecards

Timekeepers do not have to hold timecards up the entire time. Timekeepers should hold the timecards up for a few seconds until the student attorney speaking and the presiding judge have seen the updated timecards and then lower the cards. Otherwise, the student attorney looking at the timecards may be misled that the timecard was just flipped and have more time verses actual time.

I. Emergency for Timekeepers

In the event a timekeeper has an emergency in the courtroom, that team shall defer to its opponent’s timekeeper for that trial segment. The team whose timekeeper had to leave may substitute another timekeeper qualified under Rule 4.5.A - Timekeeper for the remaining trial segments. The timekeepers shall confer consistent with Rule 4.5.F – Conferring Time / Reporting Overages or Discrepancies regarding time used at the beginning of each trial segment.

J. Additional Responsibilities

Additional timekeeping responsibilities include timing:

- The five-minute recess between Case-in-Chiefs,
- The second recess up to two minutes
- The peer award discussion time up to two minutes
- The presiding judges’ critique up to one minute.

**Timekeeper Training is available in the video resources.**  
 Visit [www.scbare.org/lre](http://www.scbare.org/lre) and the click on the Middle School or High School Mock Trial logo on the main page. Go to *Videos for Coaches and Students* and then scroll through the video clips available.

4.6 Time Limits

The time limits for the phases of the trial are as follows:

<b>Opening Statements</b>	5 minutes per side
<b>Direct Examinations</b> (re-directs are optional permitting time available)	25 minutes total per side



<b>Cross-Examinations</b> (re-crosses are optional permitting time available)	20 minutes total per side
<b>Closing Arguments</b> (rebuttal if requested, time available and approved)	5 minutes per side

A. Time Allotments

Attorneys are not required to use the entire time allotted to each phase of the trial. Time remaining in one phase of the trial may not be transferred to another portion of the trial.

B. Inquiring About Time

The student attorney currently performing in a phase of the trial is allowed to ask the presiding judge for permission to inquire from the timekeeper how much time has been used or is left in that timed phase.

C. Time Extensions

The presiding judge has sole discretion to grant time extensions. Such extensions should be granted sparingly and should be limited in duration to include finishing a question, answer, or thought. The student attorney may request the presiding judge's permission for a time extension up to 30 seconds to conclude the presentation only after the allotted time has been exhausted. If such an extension is granted, no penalty shall be assessed unless the extension is exceeded. If time has expired and a student attorney continues without permission from the presiding judge, the scoring judges shall impose a penalty in accordance with the rules. The timekeeper should indicate on the timesheet if a time extension was granted or not. If approved, flip timecards back by 30 seconds.

D. Calling Last Witness When Time Expired

**Direct Examination:** Teams must call their third witness even if the team runs out of time on the first two witnesses. In that event, the team is allocated up to three minutes for direct examination of its third witness and the team receives a penalty of ten points per scoresheet. The crossing attorney is allowed three minutes to cross the witness with no penalty unless the three minutes is exceeded.

**Cross-Examination:** Teams must cross-examine the third witness even if the team runs out of time after crossing the first two witnesses. In that event, the team is allocated up to three minutes for cross-examination of the third witness and the team receives a penalty of ten points per scoresheet.

E. Time Penalties

If a team has two or more time penalties in different phases of the trial, each overage is treated independently. See Rule 6.3 Scoring Penalties for a list of penalties associated with time overages and penalties.

4.7 Motions

Teams may not make pre-trial motions except to request substitution of a competing team member with an alternate listed on the Team Roster Form (found under the Forms Section added at the time of the case release at [www.scbarr.org/lre](http://www.scbarr.org/lre)) in the event of an emergency.

The only motions permitted during the trial are:

- A. To strike testimony following a successful objection to its admission;

- B. To substitute an alternate listed on the team roster for a competing team member who becomes medically unable to continue participation in the trial; and
- C. To alert the presiding judge of a special medical concern previously discussed with the State Mock Trial Coordinator.

#### 4.8 Sequestration

Teams may not request the sequestration of witnesses.

#### 4.9 Student Performance

Witnesses and lawyers shall dress professionally as if they were appearing in an actual courtroom.

A. Dress Attire

Students should dress as professionally as possible within their means. Dress attire should be courtroom appropriate with modesty considered. The students' performance should stand out and not their clothing. This rule is not disputable, but highly recommended.

B. Accents

Use of accents is not considered costuming.

C. Costuming

Costumes (e.g. uniforms, badges, wigs, hats, canes, etc.) are not allowed. Teams may not wear lapel pins of any kind.

D. Creation of Scars / Physical Conditions

This rule prohibits the use of make-up, prosthetics, or other effects to create scars or other physical conditions for a witness. However, the student playing the witness is allowed to act as if afflicted with any condition, deformity, or disability described in the affidavits. Under no circumstances is the opposing team permitted to question the existence of such conditions based on the fact the student playing the witness does not actually have them. While the opposing team may cross-examine the witness on the extent of the condition based on information provided in the affidavits, the opposing team may not challenge the witness to prove the existence of the condition by asking the witness to show the jury.

E. Notes

Student attorneys may use notes in presenting their cases. Student attorneys may consult with each other at the counsel table verbally or through written notes.

Witnesses shall not use notes or affidavits while testifying. Witnesses may only read from or refer to exhibits or affidavits provided by the SC Bar that are properly presented to them by a student attorney.

Teams may use personal copies of the case, exhibit notebooks, notes, or prepared timelines at counsel tables only. (See [Scoring Guide](#) found in the Forms and Supporting Information Section.)

**Official Comment:**

*Whether a student is note-dependent is a subjective standard. However, some examples of how scoring judges may view the usage of notes include:*

- *Attorneys who read directly from notes during opening statements or closing arguments are likely to be considered “note dependent” and receive a lower score.*
- *Attorneys who use notes merely as a guide are not likely to be considered “note dependent.”*
- *Remember, scoring judges are judging the overall performance of the students and not just note usage.*

F. Physical Traits

A witness is prohibited from referring to personal / physical traits or that of another witness where such information is not included in the witness statement. (For example, a witness cannot call attention to a person’s height to show inability to complete some physical act included in the case materials or state that the witness was treated differently because of gender. An attorney is likewise prohibited from making arguments pointing out physical traits of a witness not otherwise included in the case materials. Such references are creation of material facts. (See Rule 2.3) Teams are not prohibited, however, from raising issues about general or common human traits and abilities relevant to the case.

G. Props / Demonstrative Aids

Teams shall not use props or demonstrative objects other than items provided by the SC Bar as part of the case. Teams shall not bring any other items to use as props or demonstrative objects. Teams shall not use loose items found in the courtroom (e.g., pens, a physical pointer, a laser pointer, water bottles, flip charts, tissues, etc.) for props, or exhibits, or other demonstrative purposes.

4.10 Communication

No one behind the bar shall talk to, signal, communicate with, mouth to, or coach their witness or student attorneys during trial. This rule remains in force during any emergency recess or the planned recess that may occur. Competing team members in front of the bar (other than the timekeeper) may communicate and pass notes among themselves during the trial; however, no disruptive communication is allowed. No one may coach, signal, mouth to witnesses, or otherwise suggest answers to questions while a witness is testifying.

Displaying of time by the timekeepers shall not be considered a violation of this rule. As referenced in Rule 4.6 (B) Time Limits - Inquiring About Time, the student attorney currently performing in the phase of the trial is allowed to ask the presiding judge for permission to inquire from the timekeeper how much time has been used or left in that timed phase.

Coaches, team members not competing in the current round, team alternates, and visitors must remain behind the bar after the trial begins. Only competing team members participating in a given round may sit in front of the bar and communicate with one another. The team members participating in the current round may only communicate with the bailiff, timekeeper, and coaches during the post-trial dispute process as set forth in Rule 6.1 Disputes Hearing Process – Post-Trial. During the trial – bailiffs, timekeepers, sketch artists, and journalists are not to communicate with anyone unless prompted by the presiding judge.

Attorney coaches, teacher coaches, students and visitors are discouraged from having contact with scoring and presiding judges on the day of the competition to prevent the appearance of impropriety.

#### 4.11 Viewing a Trial

Team members, alternates, attorney coaches, teacher coaches, visitors, and any other persons directly associated with a specific Mock Trial team, except for those authorized by the SC Bar's Law Related Education Division, are not allowed to view other teams' performances, so long as their team remains in the competition.

Each team may watch its own team, e.g., Prosecution/Plaintiff may watch Defense. All team members, attorney coaches, teacher coaches, and visitors are required to wear matching lettered badges provided at the on-site registration.

The presiding judge may stop the trial from interruptions in the gallery; i.e. talking, texting, entering/exiting (other than during the time of a witness transition), improper use of cameras, etc.

Any team or its visitors violating this rule is subject to discipline pursuant to Rule 1.2 Code of Conduct.

#### 4.12 Electronics: Cell Phones, Video Cameras, and Cameras

It is strongly encouraged that cell phones are not brought to the courthouse and/or place of the Mock Trial competition venue. Lead teacher coaches are asked to have their cell phones on vibrate in order to be reached by the Regional and/or State Mock Trial Coordinator in the event of an emergency. All others (including additional teacher/attorney coaches and visitors who bring their cell phones) must turn cell phones off during the trial. Each competition venue determines if cell phones, cameras, and/or video cameras are permissible. If not, security confiscates said items prior to entry into the building.

Any team has the option to refuse a request to participate in video recording and still photography without explanation. Video cameras may be used during the competition only with the consent of the presiding judge and with the consent of both teams. If the opposing team violates this rule, the lead teacher coach or lead attorney coach stands and approaches the gallery bar during a transition, waits to be recognized by the presiding judge, and brings the concern to the court. Flash pictures may not be taken during the competition at any time.

No team may post, share with another competing team, or otherwise disseminate any recording of any competition round without the permission of the State Mock Trial Coordinator. Each team shall inform any family member or other observer of this rule. Violations of this rule, even by an individual who is not a team member, may result in sanction of the team affiliated with the individual who recorded and/or posted, shared, or otherwise disseminated the recording up to and including disqualification from the competition.

Media or other representatives may use various devices to document the Mock Trial rounds, as approved by the SC Bar, LRE Division Staff. Media or other representatives are most likely wearing identification badges representing their affiliated station or publication. Should the lead teacher coach see a media representative attempting to film or interview a team member who did not supply a [Talent Release Form](#) or has reason not to be filmed, the media representative should be approached immediately by the lead teacher coach and/or parent to stop such activity. (See the [Talent Release Form](#) for additional information in the *Forms and Supporting Information* section.) (See Rule 4.14 Technology.)

#### 4.13 Procedure for Introducing Exhibits

The Mock Trial Case Materials include exhibits and either team can use any of the exhibits. Each side is scored on its attempt to introduce evidence and the other side is scored based on its objections. It is up to the teams' student attorneys to determine which witnesses (either on the team's own direct examination or during cross-examination of the other team's witnesses) are the best and/or proper witnesses to introduce the exhibits. Only exhibits entered into evidence may be used in closing arguments.

##### **Official Comment for Procedure on Introducing Exhibits:**

- A. Ask for permission to approach the witness. "Your Honor, may I approach the witness with what has been marked for identification purposes as Exhibit # [x]?"
- B. Show the proposed exhibit to opposing counsel.
- C. Ask the witness to identify the exhibit. "I now hand you what has been marked for identification as Exhibit # [x]. Would you identify this document please?" Witness shall answer to identify the exhibit only.
- D. Ask the witness a series of questions that are offered for proof of the admissibility of the exhibit. Such questions lay the foundation for admissibility, including questions of relevance and materiality of the exhibit.
- E. Offer the exhibit into evidence. "Your Honor, we offer Exhibit # [x] into evidence."
- F. Presiding Judge: "Is there an objection?" (If opposing counsel believes a proper foundation has not been laid, the attorney shall be prepared to object at this time.)
- G. Opposing Counsel: "No, your Honor." or "Yes, your Honor." If the response is "yes", the objection is stated for the record.
- H. Presiding Judge: "Is there any response to the objection?"
- I. Answer "no, your Honor." Or "Yes, your Honor." If the response is "yes," provide the legal reasoning for the objection to be stated for the record.
- J. Presiding Judge: "Exhibit # [x] (is/is not) admitted." If admitted, questions on content may be asked.

\*\*\* *Teams may not publish exhibits to the jury.*

**A video link showing [examples of entering evidence](#) can be viewed.**

**Visit [www.scbart.org/lre](http://www.scbart.org/lre) and click on the Middle School or High School Mock Trial logo on the main page. Go to *Videos for Coaches and Students* and then scroll through the video clips available.**

#### 4.14 Technology

Cell phones may be permitted in the courthouse with courthouse permission. No technology is permitted in front of the bar, which includes laptops, tablets, chrome books, watches of any kind, any wearable technology, cell phones, and any other electronic devices. Possession of any of these devices in front of the bar, whether in use or not, constitutes a five-point penalty per scoresheet per violation.

#### 4.15 Conduct

##### **A. Team**

All team members (teacher coaches, attorney coaches, and students) are expected to read and sign the Code of Ethical Conduct Agreement prior to the

competition. Team members are agreeing to the following:

1. The Rules of the Competition and the Code of Ethical Conduct are followed by all participants in the South Carolina Bar's Mock Trial Competitions. Coaches are discouraged from willful violations of the letter and the spirit of the Rules of this Code.
2. The use or possession of alcohol, drugs, and weapons is forbidden at all competition sites and at all Mock Trial sponsored events.
3. Team members, coaches, and other observers promise to participate in all events associated with the South Carolina Bar's Mock Trial competitions with the highest standards of professional behavior showing respect for their fellow team members, opponents, coaches, judging panel, staff, volunteers, and all other persons before, during, and after the competitions.
4. The South Carolina Bar's Mock Trial competitions are designed for teams to behave themselves as professionals in and out of the courtroom. Team members, coaches, and visitors must always follow appropriate courtroom and courthouse decorum, both inside and outside the courtroom.
5. Displays of bad sportsmanship at any time during the competition are prohibited. Whether winning or losing, team members, coaches, and all visitors are expected to be gracious and supportive of other teams.
6. No team member, coach, or visitor associated with your team may view another team competing outside of your round.
7. It is expected that everyone respects their surroundings; follow all published courthouse regulations; use appropriate receptacles for all trash; leave restrooms and all other court and common areas of all venues in good order; and otherwise behave as young professionals.
8. All students listed on the School Information Sheet are registered at the same school or approved to compete at the school due to home schooling or district re-alignment.
9. All Mock Trial participants (teacher coaches, attorney coaches, and students) agree to the following Mock Trial Oath: I will maintain the respect and courtesy due to courts of justice, judicial officers, and those who assist them. To opposing parties, counsel, and witnesses, I pledge fairness, integrity, and civility, not only in court, but also in all written, oral, and social communications. I will employ for the purpose of maintaining the causes confided to me only such means as are consistent with trust and honor and the principles of professionalism, and will never seek to mislead a party, the judge, or jury. And I will maintain the dignity of the legal system and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged.
10. Teams should be cautious about their use of social media. If any student who is reported to the SC Bar for disparaging or taunting social media posts, that individual may be suspended from Mock Trial activities and jeopardize their team's participation. To report a social media issue, the lead teacher coach must email a photo or screen shot of the social media post in question to the State Mock Trial Coordinator.

#### **B. Visitors**

Visitors are welcome to attend the competitions if they are associated with teams; however, space is limited. Visitors are provided coded visitor badges to watch their respective teams. Visitors are not allowed to move around in the courtroom during a trial or participate in the trial in any way, including asking about time, raising disputes, arguing a violation on behalf of the teams, moving furniture, standing during trials, or bringing food and beverages in the courtrooms and in some cases

the courthouse entirely. Visitors are to be respectful to courthouse staff, Mock Trial Coordinators, the SC Bar staff, and all opposing teams. If violated, the visitor(s) are subject to removal.

No walk-ins are accepted to ensure team safety. All visitors need prior approval from team coaches or SC Bar. SC Bar approved visitors may observe a team. An example of a SC Bar approved visitor(s) would be teachers/students observing Mock Trial for future implementation, clerks of court, SC Bar staff, etc.

All visitors remain seated during the trial and may not sit in the aisles or stand in the back of the courtroom. If it is necessary to enter or exit the courtroom during the trial, it must be done during a transition, such as in between witnesses or after an argument.

Visitors do not communicate during the trial as they are observers only. This includes no communication with team members during the five-minute recess.

Prior to the competition, the team's lead teacher coach is responsible for briefing team visitors on the Competition Rules and Code of Ethical Conduct Rules that apply to visitors during the competition. The SC Bar reserves the right to remove anyone who violates rules stated by the competition venue or the SC Bar.

**Official Comment:**

*It is highly suggested that someone from each team (i.e. a spectator or student not participating in a specific round) stand outside the courtroom entrance to help ensure visitors only enter or exit during transitions to reduce noise and movement distractions for competing teams. For example, enter when a witness is getting on or off of the witness stand and not during an opening, direct, cross, or closing.*

#### 4.16 Most Effective Nominations Made by Teams

Each team has up to one minute to determine the Most Effective recipients from the opposing team. Prior to leaving the courtroom, each team announces the recipients. The most effective awards determined by the students do not replace the most effective awards the scoring judges also determine, which are announced at the closing assembly.

The presiding judge documents the recipients. Printed certificates are mailed to the lead teacher coach after the competition.

#### 4.17 Professionalism and Civility Award Nominated by Teams

The Professionalism and Civility Award was created to highlight the importance of professionalism among teams participating in our Mock Trial competitions.

During the competition experience (inside and outside the courtroom), your team and coaches observe other participating teams while using a subjective process. Teams nominate another team to be considered for the Professionalism and Civility Award. Teams may consider the behavior of students, coaches, and spectators associated with other teams when making a nomination for this award.

Each team submits one team ballot nominating another team for the Professionalism and Civility Award and also nominates a second team in the event a tie breaker is needed. Teams may not campaign for this award. A team may not nominate itself. When discussing this award among the team, it is hoped that coaches emphasize the importance of professional behavior inside and outside the courtroom throughout the competition. The

discussion of this award provides the team with an excellent opportunity to review the Code of Ethical Conduct and the Rules of the Competition that deal with ethics and decorum. Discussions about this award provides coaches the opportunity to discuss the high standards of professionalism attorneys are held to as members of the Bar.

The qualities that teams nominated for the award must demonstrate inside and outside the courtroom include: a professional demeanor, civility, integrity, honesty, fair play, shaking hands of opponents, respect for the competition, respect for fellow competitors, respect for volunteers and all associated with the program throughout the competition, and respect for courthouse staff and their facilities.

Nominations are submitted digitally by the lead teacher from each team at the end of the third round through the LRE designated Jotform.

## SECTION V: JUDGING AND TEAM ADVANCEMENT

### 5.1 Rulings

All rulings of the presiding judge are FINAL.

### 5.2 Composition of Judging Panels

Each round is scored by a “jury” panel serving as “scoring judges,” which may consist of judges, attorneys, law students, or experienced Mock Trial teachers. Teams may address the scoring judges as members of the jury. The presiding judge is an attorney or a sitting judge.

All presiding and scoring judges receive the Mock Trial Case Materials, the Competition Handbook, orientation materials, and judges’ training prior to the competition.

The panel of scoring judges consists of at least two individuals. The composition and selection of judges is at the discretion of the Regional and/or State Mock Trial, with the following format:

- A. One presiding judge and three scoring judges (only scoring judges complete digital scoresheets); or
- B. One presiding judge and two scoring judges; the third scoresheet aka “ghost scoresheet” is an average of the other two scoresheets cumulative totals. Regardless of the averaged total, the presiding judge determines which team wins the ghost scoresheet via the Presiding Judge Ballot.
- C. One presiding judge and more than three scoring judge (The State and/or Regional Coordinator will pre-determine which three scoring judges will be counted prior to the start of the round.)

The state championship round has a larger judging panel at the discretion of the State Mock Trial Coordinator.

In the event of an emergency (i.e. sudden illness, etc.) when a scoring judge or presiding judge member must leave the courtroom, the presiding judge calls for a brief recess, assesses whether the individual is able to return in a reasonably short period of time, and then resumes the proceedings when the individual returns to the courtroom. If the individual is unable to return, the State and/or Regional Mock Trial Coordinator is notified. Scoring continues as noted in 5.2.B. During any recess under this rule, the teams remain seated in their appropriate positions within the courtroom until the trial resumes.



The Regional Mock Trial Coordinator and/or State Mock Trial Coordinator has discretion in any case in a scoring judge's irregularity to disqualify the scoring judge's scoresheet and continues with a presiding judge's ballot.

### 5.3 Scoresheets / Ballots

The term scoresheet or ballot is used in reference to the form on which points are recorded.

Scoresheets allow for evaluation up to ten points for each individual's performance as well as an overall team performance. The overall team performance, worth up to ten points, considers civility/incivility, abusive/excessive objections, scripting, delay tactics, usage of exhibits, thematic presentation, consistency of legal arguments, and teamwork.

Scoring judges do not necessarily reflect the rulings of the presiding judge during the trial in their scores. Scoresheets are completed individually by each scoring judge. Scores are not finalized until the scoring and presiding judge discuss and defend scoring variances more than two points.

Scores are not announced at the end of each round. Tabulated scoresheets are sent to the coaches the following week after scores and rankings are confirmed. Scoresheets are not picked up in person.

The term "ballot" refers to the decision made by a scoring judge as to which team scored the most points in a given round. The team earning the highest points on a scoring judge's scoresheet is the winner of that ballot.

The team earning at least two of the three ballots, wins the round. The number of ballots earned is one of the determining factors when power matching and for the purposes of ranking teams. See Rule 5.7 Power Matching for more explanation and examples of power matching.

Scoresheets may be shared with students.

### 5.4 Completion of Scoresheets

Each scoring judge records a number of points (1-10) for each presentation of the trial. A [scoring guide](#) is provided to the scoring judges to assist in generating scores. At the end of the round, each scoring judge transfers their scores to the digital scoresheet, scores the overall team performance, and waits for notice of any penalties. At this point, scoring and presiding judges review all scoresheets and defend any scoring discrepancies with more than two-point variances.

See the [Scoring Guide](#) found in the Forms and Supporting Information Section.

### 5.5 Team Advancement to the State Competition

A state competition is held if 20 or more teams compete in the overall regional competitions. Twelve teams advance to the state competition. They are comprised of regional winners and remaining teams advancing to the state competition are announced at the closing assembly. The remaining competing slots are determined by the next highest wins, ballots, points, and point spread across all regional competitions collectively. When announcing the twelve advancing teams, three back-up teams are also announced. The back-up teams are to hold the state competition dates and plan for participation until

the first Friday after the regional competitions. (*Back-up teams have advanced to the state competition and back-up teams should take this position very seriously.*)

Team Ranking (based on the following criteria in the order listed):

1. Win/Loss record based on the number of rounds won or lost by a team;
2. Total number of ballots awarded a team in all rounds;
3. Total number of points accumulated by a team in all rounds; and if necessary;
4. Point spread.

Should an advancing team withdraw from participating in the state competition, the next highest ranking back-up team is notified to fill the vacancy.

To participate in the state competition, a team registration fee of \$150 is due prior to the state competition. The state competition takes place over the course of two days (typically a Friday and Saturday) for all the state advancing teams. Some teams may need overnight lodging the Friday night of the competition. Teams are responsible for their meals, travel, and lodging expenses.

5.6 Format of Competitions

- A. Regional Competitions: Teams are notified seven business days prior to arriving at the regional competition on their team code and the side performance for the first round with teams randomly paired. Random drawings for team pairings are done by the SC Bar prior to the competition day with a witness. Team pairings are not based on any criteria. Pairings and sides are subject to change should a team withdraw between the announcement of pairings and the competition day. The second and third round is power matched based on the results of the previous competition rounds.

**Round Format for Regional Competitions on Saturday: (Both Levels)**

**Saturday – Round 1: Teams Randomly Paired Morning Round**

**Saturday – Round 2: Power Matched Afternoon Round** (based on Round 1 results)

**Saturday – Round 3: Power Matched Afternoon Round** (based on Round 2 results)

- B. State Competition: Twelve teams are notified no later than six business days prior to arriving at the state competition of their new team code and their side performance for the first round based on seeding. Should a team drop, side performance may change.

**Round Format for State Competition: (Middle and High School)**

**Friday: Round 1: Seeded and Power Matched Round (AM)**

(See Rule 5.7 (C) Power Matching.)

**Round 2: Power Matched Round (PM)** (based on Round 1 results)

The lead teacher coach of each team is notified on their cell phone Friday night of the state competition no later than 10 p.m. with their team's side performance for the third round.

**Saturday: Round 3: Power Matched Round (AM)** (based on Round 2 Results)

**Closing Assembly (PM): Most Effectives and Top Two Teams Announced**

The two teams with the highest number of total wins, total ballots, total scores, and point spread (if necessary) after the third round compete in the two championship rounds performing alternating sides.

**Championship Round 1 (PM):** Top Two Teams Compete

**Championship Round 2 (PM):** Top Two Teams Compete  
(switched sides)

**State Championship Title Announcement (PM):** The team with the highest number of wins, ballots, and points from the two championship rounds is named the state champion.

## 5.7 Power Matching

Power matching is the act of pairing teams together for the next round of competition based on a previous round's results. Power matching provides:

- A. All teams are guaranteed to present each side of the case at least once;
- B. Brackets are determined by win/loss record. Sorting within brackets are determined in the following order: (1) win/loss record; (2) total ballots; (3) total points; and (4) point spread, *if necessary*.
- C. For the state competition, teams carry their total wins, total ballots, total points, and total point spread earned at the regional competition to the state competition only to be power matched in their first round, known as "seeding." The top six teams represent one bracket. The bottom six teams represent the second bracket. The second and third rounds at the state competition are power matched based on each team's performance at the state competition.
- D. Odd Number of Teams in a Bracket:
  1. Pairing for the Second Round: If there are an odd number of teams or less than four teams in the top bracket, one or two teams from the second bracket are brought up to the top bracket. This process ensures there is a minimum of four teams in the top bracket.
  2. Pairing for the Third Round at Regionals:
    - A. **With 10 or more teams** competing in the region, if there are an odd number of teams or **less than six teams in the top bracket**, between one and four teams are brought up to ensure six teams are in the top bracket.
    - B. **With less than 10 teams** competing in a region, if there are an odd number of teams or **less than four in the top bracket**, one or two teams from the second bracket are brought up to ensure four teams are in the top bracket.
    - C. If moving a team(s) to the top bracket created an odd number in the second bracket, one team is brought up from the third bracket.
  3. Pairing for Third Round at State:
    - A. The top bracket consists of the top four teams after round two.
    - B. If moving a team(s) to the top bracket created an odd number in the second bracket, the bottom team of the second bracket and the top team of the bottom bracket are bracketed together to create a two-team third bracket.
- E. Provided there are no conflicts, the team at the top of a bracket is matched with the lowest ranked team of that same bracket; the second ranked team is matched with the second to lowest team within that same bracket, and so forth, until all teams are paired.
- F. Normally, a team does not meet the same opponent twice. If this occurs, side performance is alternated.
- G. Bracket integrity in power matching supersedes sub-rules A and F.

Ranking After First Round Results Example at Regionals  
(Highest to Lowest)

Ranking	Team Code	Opponent	Total Wins	Total Ballots	Total Points
1	AB (Plaintiff)	EF (Defense)	1 Win	3	287
2	GH (Defense)	CD (Plaintiff)	1 Win	3	259
3	HI (Defense)	JK (Plaintiff)	1 Win	2	284
4	LM (Plaintiff)	NO (Defense)	1 Win	2	275
5	JK (Plaintiff)	HI (Defense)	0 Wins	1	280
6	NO (Defense)	LM (Plaintiff)	0 Wins	1	273
7	CD (Plaintiff)	GH (Defense)	0 Wins	0	250
8	EF (Defense)	AB (Plaintiff)	0 Wins	0	228

- When looking at the chart above, keep in mind that teams are placed in order of total wins, total ballots, and then total points.
- AB is first because it won the round; it has the highest number of possible ballots from the first round, and the highest number of total points.
- GH is second highest because while it has the same number of wins and ballots as AB, it has fewer points than AB.
- HI is third because while it has the same number of wins as AB and GH, GH has one less ballot. Notice HI has higher points than the second-place team (GH), but this does not matter because GH has one more ballot than HI.
- LM is fourth because the only difference between HI and LM is that HI has more points.
- JK is fifth because it has no wins and all teams with no wins come after all the teams that win their round. Notice that while JK lost the round it still took one of the three possible ballots; which is better than losing without any ballots. Taking that one ballot is what allows JK and NO to be ranked higher than the teams that won no ballots. Notice because JK and NO have one ballot, that a team's total points is what determines who is ranked higher than the other.
- NO is sixth because it has fewer points than JK.
- CD is seventh because it did not win, did not receive any ballots, and had more points than EF's.
- EF is last because it did not win, did not receive any ballots, and had the lowest total points out of all eight teams.

An explanation of how to power match from this round is on the next page.

Power Matching for the Second Round Example at Regionals

Ranking	Team Code	Opponent	Total Wins	Total Ballots	Total Points
1	AB (Plaintiff)	EF (Defense)	1 Win	3	287
2	GH (Defense)	CD (Plaintiff)	1 Win	3	259
3	HI (Defense)	JK (Plaintiff)	1 Win	2	284
4	LM (Plaintiff)	NO (Defense)	1 Win	2	275
5	JK (Plaintiff)	HI (Defense)	0 Wins	1	280
6	NO (Defense)	LM (Plaintiff)	0 Wins	1	273
7	CD (Plaintiff)	GH (Defense)	0 Wins	0	250
8	EF (Defense)	AB (Plaintiff)	0 Wins	0	228

- By the directions, all the teams that win their round are in the top bracket and all those that did not win are in the bottom bracket. *(Results above are from the first round.)*
- Notice the dark line that separates the two groups with a win and without a win.
- Pairings are listed as follows: Prosecution/Plaintiff v. Defense
- The first step is to pair AB with LM because the highest is to be paired with the lowest within the same bracket. Notice that in the first round AB played the role of Plaintiff and LM also played the role of Plaintiff. Because AB is the highest of the two and both teams played the same role, AB has to flip roles and play the side of Defense in the second round and LM plays a second round as Plaintiff.
  - Result: LM v. AB **(LM is Plaintiff and AB is Defense.)**
- The next step is to pair GH with HI. They both played the same role as defense in their first round. Because GH is the higher of the two teams, GH flips roles and plays the role of Plaintiff in the second round and HI plays another round as Defense.
  - Result: GH v. HI **(GH is Plaintiff and HI is Defense.)**
- The third step is to pair JK with EF because the highest is to be paired with the lowest within the same bracket. Notice that in this pairing, JK is paired with EF. JK and EF played opposite roles in their first round, so for the second round they flip sides and JK plays Defense and EF plays Plaintiff.
  - Result: EF v. JK **(EF is Plaintiff and JK is Defense.)**
- The fourth step is to pair NO with CD. NO and CD played opposite roles in their first round, so for the second round they flip sides and NO plays Plaintiff and CD plays Defense.
  - Result: NO v. CD **(NO is Plaintiff and CD is Defense.)**

## Power Matching for the Third Round Example at Regionals

Ranking	Team Code	Prev. Round Sides		TOTAL			ROUND <u>ONE</u> RESULTS				ROUND <u>TWO</u> RESULTS			
		1	2	Wins	Ballots	Points	Opponent/ Side	Win	Ballots	Points	Opponent/ Side	Win	Ballots	Points
1	GH	D, P		2	5	543	CD (p)	1	3	259	HI (d)	1	2	284
2	LM	P, P		2	5	539	NO (d)	1	2	275	AB (d)	1	3	264
3	NO	D, P		1	4	541	LM (p)	0	1	273	CD (d)	1	3	268
4	JK	P, D		1	3	571	HI (d)	0	1	280	EF (p)	1	2	291
5	HI	D, D		1	3	563	JK (p)	1	2	284	GH (p)	0	1	279
6	AB	P, D		1	3	545	EF (d)	1	3	287	LM (p)	0	0	258
7	EF	D, P		0	1	491	AB (p)	0	0	228	JK (d)	0	1	263
8	CD	P, D		0	0	493	GH (d)	0	0	250	NO (p)	0	0	243

- By the directions, all the teams are ranked in order of **total** number of wins, ballots, points and then point spread (if necessary when points are tied).
- Notice the dotted line between the second and third teams and again between the sixth and seventh teams. These lines separate the teams into three brackets. The first bracket has the teams that won both of their rounds. The second bracket has the teams that have won one round. The bottom bracket has the teams that did not win either of their two rounds. The first four teams are shaded because the rules require there to be a minimum of four teams in the top bracket, thus moving teams three and fourth up.
- Pairings are listed as follows: Prosecution/Plaintiff v. Defense
- The first step is to pair the top team in the top gray bracket [GH] with the bottom team in that same bracket [JK]. GH is made Defense and JK is made Plaintiff because they can automatically flip sides based on their previous round performance in the second round with the result of JK as plaintiff and GH as defense, which looks like **JK vs. GH**. They can play one another since they did not play one another in the previous two rounds. Stop there. Notice the second team [LM] would be paired with the third team [NO], since they are the two remaining teams in the gray bracket. But, do you also see that LM went up against NO in their first round creating a conflict if paired a second time? Since the four teams must play within their bracket, the first pairing of JK v. GH becomes null and void. In starting over in pairing this bracket, the top team [GH] is now paired with the second from the bottom team [NO] in the same gray bracket. GH and NO have not played one another and both teams played Plaintiff in their previous round. Since GH is the strongest/highest of the two teams, GH flips sides and performs as Defense in their third round. **Result: NO v. GH (NO is Plaintiff and GH is defense.)**
- The second step is to pair the remaining two teams in the gray bracket [LM and JK]. Both teams performed opposite sides in their previous round, so they naturally flip side performance in their third round. Plus, LM performed as the Plaintiff in both of their two previous rounds, which guarantees LM is to perform Defense in their third round. **Result: JK v. LM (JK is Plaintiff and LM is Defense.)**
- The third step is to pair the remaining two teams in the second bracket. Like in the first proposed pairing, HI would naturally pair with AB. Because HI performed Defense in both of their two previous rounds, HI is guaranteed to perform as Plaintiff in the third round. **Result: HI v. AB (HI is Plaintiff and AB is Defense.)**
- The fourth step is to pair the remaining two teams in the bottom bracket [EF and CD.] Both teams do a natural flip for side performance and both have performed both sides of the case. **Result: CD v. EF (CD is Plaintiff and EF is Defense.)**

## 5.8 Side Selection for State Championship Round

In determining which team represents which side in the State Championship Round for round one, the following procedure is used:

- A. The team with the letter code that comes first alphabetically is considered the "Designated Team."
- B. The coin is tossed by a designee of the SC Bar.
- C. If the coin comes up heads, the Designated Team represents the Prosecution / Plaintiff in the State Championship Round One. If the coin comes up tails, the Designated Team represents the Defense/Defendant.

## 5.9 Bye Round

A "bye" round procedure becomes necessary when an odd number of teams are participating in any given round at a competition. The odd team in each round without an opponent is called a bye team, resulting in performing only two of the three rounds. If there is a bye round at a competition, bye teams are assigned a courtroom to practice in during the bye round and are not permitted to view other rounds during this time. The bye teams must stay in the assigned courtroom. A bye team is guaranteed to perform both sides.

Many teams are assigned as a "floater" team so that bye rounds in a regional competition can be avoided. There are always several floater teams identified when the regional assignments are announced. Floater teams are teams that fall in between two or more regions and can easily travel to a different region; or self-elected to serve as a floater team. Floater teams should remain in constant contact with the State Mock Trial Coordinator on flexibility and the latest date a team can remain as a floater.

It is the intent to avoid byes when possible. In the event of a circumstance resulting in an odd number of competing teams, the following bye round procedure applies:

### A. Round One Bye Team:

- At End of Round One:  
Temporarily, the bye team is awarded a ½ win, 1.5 ballots, and the average number of points from all round one winners as the bye team's round one scores for the purposes of power matching.
- At End of Round Two:  
The team's actual win, ballots and points are entered for round two. Round one's temporary numbers are not adjusted until after the third round.
- At End of Round Three:  
The bye team's wins/losses, ballots, and points earned in rounds two and three are averaged together. The averaged results replace the team's temporary round one results as their final round one results. ★

### B. Round Two Bye Team:

- At End of Round Two:  
Temporarily at the end of round two, this bye team is awarded a ½ win, 1.5 ballots, and the average number of points from all round two winners as the bye team's round two scores for the purposes of power matching.

- At End of Round Three:  
At the end of round three, this bye team's wins/losses, ballots, and points earned in rounds one and three are averaged together. The averaged results replace the team's temporary round two results as their final round two results. ★

C. Round Three Bye Team:

- At End of Round Three:  
This bye team receives the average of their wins/losses, ballots, and points earned in rounds one and two as their final round three results.

★Any fraction of a point is rounded up to the nearest whole number.

## SECTION VI: DISPUTE RESOLUTION

### 6.1 Disputes Hearing Process (Post-Trial)

For Mock Trial purposes, a violation "inside the bar" aka "in front of the bar" means a rules violation that is committed by a team or team member during the competition round.

Violations that occur inside the bar must be raised with the presiding judge after the closing arguments as a dispute. No forms are completed by teams. Everything is verbally expressed to the presiding judge when prompted.

#### **Dispute Process is as Follows:**

- 1) Dispute Process Begins  
The presiding judge announces that teams have an opportunity to raise disputes against the opposing team. This is the only opportunity to raise a dispute.
- 2) Timed Consultation  
Competing team members, coaches, the bailiff, and timekeeper are permitted two minutes to consult with one another and determine if any rule violations occurred and should be reported verbally to the Presiding Judge. Notes may be used for this process. The timekeeper is asked to time on their stopwatches once both teams begin conferring with their respective coaches. Because teams are in discussion and not observing the timecards, the timekeeper voices, "STOP" when two-minutes have been reached. If the timekeeper has nothing to contribute to the discussion, they should remain seated. Otherwise, they watch their time while at the counsel table with team members and coaches.
  - A. If a team believes its opponent committed a violation of the rules, the team decides which student attorney is the team's student attorney spokesperson to present the team's position.
  - B. During the same initial consultation, the judging panel (presiding and scoring judges) also have an opportunity to raise a rules violation by completing the Rules Violation Penalty Form.
- 3) Collection of Rules Violation Penalty Forms  
The presiding judge collects the Rules Violation Penalty Forms from the scoring judges for review. The scoring judges serving as the jury are then dismissed. The team found in violation is announced after the teams raise their disputes, if any. If a judges violation is brought up by the teams, then the judges violation is disregarded.



- 4) Review of Disputes Raised

The presiding judge listens and documents the disputes made by the teams to determine if any disputes merit a hearing.

  - A. If no disputes are voiced, the dispute process is over.
  - B. Denial of a Hearing means that the dispute does not merit a hearing and it is not addressed.
  - C. Approval of a Hearing means the dispute is to be addressed.
  
- 5) Hearing Preparation

If a hearing is merited, the presiding judge allows teams to reconvene with their respective coaches for further discussion to prepare a response. Competing team members, coaches, the bailiff, and timekeeper are permitted up to two minutes to re-consult with one another and prepare a verbal response to the rules violations raised against.

  - A. The timekeeper is asked to time on their stop watches up to two minutes once one or both teams have received their forms. Because teams are in discussion and not observing the timecards, the timekeeper voices, "STOP" when two minutes has been reached. If the timekeeper has nothing to contribute to the discussion, they should remain seated. Otherwise, they watch their time while at the counsel table with team members.
  - B. The team's student attorney spokesperson prepares a verbal response and may use notes.
  - C. During this time if the objecting team does not have a rules dispute to review, the team sits quietly and does not confer with their team members, coaches, bailiff or timekeeper.
  
- 6) Hearing (if applicable)
  - A. The student attorney spokesperson for the team responding to the dispute presents a quick verbal defense statement.
  - B. The presiding judge considers the responses presented.
  - C. If the Prosecution/Plaintiff raised a dispute, the presiding judge asks the Prosecution/Plaintiff team spokesperson to state the dispute(s) raised. The Defense team spokesperson is directed to state the team's response(s).
  - D. If the Defense team raised a dispute, the presiding judge asks the Defense team spokesperson to state the dispute(s) raised. The Prosecution/Plaintiff team spokesperson is directed to state the team's response(s).
  - E. Attorney coaches, teacher coaches, and visitors are not allowed to address the court regarding a dispute. Only the student attorney spokesperson may present a violation and/or defend a violation.
  - F. The presiding judge has the discretion to question the student attorney spokesperson and anyone else in the courtroom at his/her discretion. Neither Coaches nor visitors may communicate/consult with the team or the presiding judge during the hearing unless asked to do so by the presiding judge.
  - G. If neither team presented the dispute raised by the judges prior to their dismissal, the dispute and penalty is announced for the team identified. Teams no longer complete these forms.
  
- 7) Conclusion of Hearing
  - A. The presiding judge may declare a brief recess and retire from the courtroom to deliberate.

- B. Upon return, the presiding judge announces the decision(s) in open court and documents the ruling.
- C. The presiding judge announces only the disputes that have a penalty assessed with the scoring judges. The scoring judges are presented the disputes that were merited and individually assess penalties within the penalty ranges stated for each type of penalty.
- D. Once the dispute process is concluded, violations committed by a team or team member may not be further handled by the presiding judge, the Regional and/or State Mock Trial Coordinator that day or any subsequent days. There are no appeals.

## 6.2 Violations: During Trial

A team is subject to a penalty for the following rule violations that are handled during the trial. Teams may not raise the following rule violations with the SC Bar staff, Regional and/or State Coordinator.

If the presiding judge determines that a violation under this section occurred, the presiding judge informs the scoring judges. The scoring judges consider the violation(s) raised before assessing scoring penalties listed in Rule 6.3 Scoring Penalties.

- A. Time Violations:  
The presiding judge documents any time disputes during the trial. In the event of a time violation, the scoring judges assess a penalty against the team in the penalty box as set forth in Rule 6.3 Scoring Penalties.
- B. Creation of Material Fact Violations: A team may only raise a Creation of Material Fact Violation as an evidentiary objection during the round at the time the alleged violation occurred. See Rule 2.3 Creation of Material Fact and Rule 2.3's Official Comment. A student attorney with a good faith belief that a witness created a material fact may elect to raise an objection instead of attempting to impeach the witness. The attorney making the objection must support it by explaining in detail (1) how the fact gives the opponent a significant legal advantage; and (2) why it cannot be regarded as a fair inference from the affidavit or exhibits. In response, the opponent must be prepared to explain either (1) the fact does not give a significant legal advantage; or (2) the fact can be fairly inferred from the affidavit or exhibits.

After hearing from both sides, the presiding judge immediately rules in open court on the Creation of Material Fact objection. If the presiding judge sustains the objection, each scoring judge must assess a penalty as set forth in Rule 6.3 Scoring Penalties against the team presenting the fact in the penalty box and not against the individual witness offering the fact. If the presiding judge overrules the objection; finding no material fact was created, the presiding judge determines whether the objection was made in good faith. If the presiding judge determines the objection was not made in good faith, each scoring judge must assess a penalty before completing the scoresheet as set forth in Rule 6.3 Scoring Penalties against the team in the penalty box and not against the individual witness.

Teams may not raise a creation of material fact violation during the Dispute Hearing Process noted in Rule 6.1.

- C. Notes or Technology Violations: Students may raise a notes or technology violations as they discover or learn of the violation during the trial or during the Dispute Hearing Process noted in Rule 6.1. See Rules 4.9 Notes and 4.14 Technology.

### 6.3 Scoring Penalties

The presiding judge determines if a Rules Violation, Time Violation, or Creation of Material Fact Violation occurred, and informs the scoring judges. The scoring judges consider the violation(s) raised and assess penalties individually before finalizing their scoresheets.

## Scoring Penalties Listing

Scoring judges **shall** impose a team penalty within the indicated ranges for the following violations in the penalty box at the bottom of the scoresheet:

<b>Rules Violations</b>	<b>Penalty Range</b>
<ul style="list-style-type: none"> <li>• Student Performance: Costuming, Creation of Scars/Physical Conditions, Physical Traits, Props (see Rule 4.9) (see Rule 4.9).....</li> </ul>	2 – 10 points
<ul style="list-style-type: none"> <li>• Failure to Call all Witnesses (see Rules 3.2 and 4.4-E).....</li> </ul>	Team Forfeits
<ul style="list-style-type: none"> <li>• Improper Communication (see Rules 4.4-I, 4.5-E, 4.10, 7.7, and 8.7) .....</li> </ul>	1 – 10 points
<ul style="list-style-type: none"> <li>• Possession of Each Prohibited Electronic Device (see Rule 4.14).....</li> </ul>	5 points
<ul style="list-style-type: none"> <li>• Unequal Distribution of Tasks</li> </ul>	
<ul style="list-style-type: none"> <li>    Among the Team (see Rule 3.2 and 3.2 Official Comment) .....</li> </ul>	2 – 8 points
<ul style="list-style-type: none"> <li>    Missing Timekeeper (see Rule 3.2 and Rule 4.5-A) .....</li> </ul>	8 points
<ul style="list-style-type: none"> <li>    Under or Exceeding # of Attorneys Permitted on a Team (see Rule 3.2 A &amp; B).....</li> </ul>	10 points
<ul style="list-style-type: none"> <li>• Any Other Rule Not Stated Above is Subject to Penalty.....</li> </ul>	1 – 10 points
<b>Creation of Material Fact Violations (see Rule 2.3 and Rule 6.2)</b>	
<ul style="list-style-type: none"> <li>• Unintentional .....</li> </ul>	1 – 2 points
<ul style="list-style-type: none"> <li>• Intentional .....</li> </ul>	3 – 7 points
<b>Time Overages Per Violation (See Rules 4.5, 4.6 and 6.2)</b>	
<ul style="list-style-type: none"> <li>• 1 to 15 seconds.....</li> </ul>	0 points
<ul style="list-style-type: none"> <li>• 16 to 30 seconds (<i>without extension from presiding judge</i>).....</li> </ul>	1 – 2 points
<ul style="list-style-type: none"> <li>• 31 to 60 seconds.....</li> </ul>	3 – 4 points
<ul style="list-style-type: none"> <li>• Over 60 seconds .....</li> </ul>	5 – 10 points
<ul style="list-style-type: none"> <li>• Time Runs Out on Direct/Cross of Third Witness (see Rule 4.6-D).....</li> </ul>	10 points

### 6.4 Discipline for Non-Trial Rules Violations

Only violations that occur outside the bar are brought by attorney or teacher coaches. Such violations are made promptly to the Regional and/or State Mock Trial Coordinator immediately after the round. The complaining party is asked to complete a Rules Violation Penalty Form. The Rules Violation Penalty Form is taken to a violation resolution panel. Discipline is in the discretion of the violation resolution panel and may range from a scoring adjustment to disqualification from the competition. See Rule 1.2 Code of Conduct.

The violation resolution panel is composed of the LRE Director, an LRE staff person, and the Regional Mock Trial Coordinator and/or a designee.

## HIGH SCHOOL ONLY

### SECTION VII: COURTROOM SKETCH ARTIST COMPETITION

#### 7.1 Registration and Eligibility

Each school may register up to two courtroom sketch artists to compete in the Courtroom Sketch Artist Competition.

Courtroom sketch artists are subject to all relevant Mock Trial Competition Rules (including the prohibition of communicating with any competing team members), restrictions, and eligibility requirements. Sketch pads are checked at the on-site registration to confirm the sketch pad consists of blank pages throughout the pad. The student receives a submission form to complete and submit prior to the competition.

**A. Registering with a Mock Trial Team:**

The courtroom sketch artists have a separate submission form. The artist is also included on the School Information Sheet. The courtroom sketch artist also completes a talent release form like the other performing students. No additional artists may be added after the courtroom/journalist deadline. The courtroom sketch artists have the same team code as their Mock Trial team and they accompany their team throughout the entire competition. The Courtroom sketch artists may not double as bailiffs, timekeepers, or any other team role. Courtroom sketch artists compete solely on their own efforts and do not advance to the state competition.

**B. Registering without a Mock Trial Team:**

If students register without a Mock Trial team, a teacher sponsor is required. Students along with their teacher sponsor(s) are randomly assigned to courtrooms throughout the day. Students and their sponsors must arrive and stay for a minimum of the first round. To register on a separate application, contact the SC Bar at (803) 252-5139 or [lre@scbar.org](mailto:lre@scbar.org). Registration is due by the stated deadline.

#### 7.2 Trials/ Trial Depiction

Sketches must depict actual courtroom scenes observed by the courtroom sketch artists on the competition day. Sketches are created and completed entirely on the competition day solely by the courtroom sketch artists without the help of any source or person. Laptops are not permitted in the competition venue. The courtroom sketch artist sketches trials in which the school is competing in at the regional level. The courtroom sketch artist sits in the jury box or an available location designated by the presiding judge, space permitting, or behind the bar in the first row. If sketch artists finish their sketches after a round, they may sit with their team as a visitor in subsequent rounds. Once the trial begins, the courtroom sketch artists may not move about the courtroom. The courtroom sketch artists may work throughout the trial rounds and during breaks. The courtroom sketch artists may not communicate with any member of the Mock Trial teams or any visitors in the courtroom during the trials or during the recess.

### **Sketch By:**

Former Courtroom Artist  
State Champion  
Morela Taffe, Indian Land High School



#### 7.3. Submission Specifications

Courtroom sketch artists must supply their own materials. Sketches are done on white paper no smaller than 8.5 x 11 inches and no larger than 11 x 17 inches in horizontal format.

Sketches must be done in color using the following mediums: color pencil, pen and ink, pastel, marker. No watercolors, chalk, charcoal, or paint are allowed. There should be no signatures on the front of the sketches; only on the back. Courtroom sketch artists are responsible for ensuring their work area is left neat and orderly with all trash disposed in the appropriate trash receptacle.

Each courtroom sketch artist submits one sketch for judging. Sketches must be submitted to the Regional Mock Trial Coordinator at the competition's closing assembly upon request. A completed [Sketch Submission Form](#) must accompany the sketch at the time of submission.

#### 7.4 Judging Components

The Regional Mock Trial Coordinator delivers all sketches to the State Mock Trial Coordinator for judging. Judges consist of art teachers/professors, professional artists, etc. with as many as 10+ judges. The State Mock Trial Coordinator assigns each sketch a random number and removes the Sketch Submission Forms. Numbered sketches are evaluated and scored anonymously by a judging team. The highest scored sketch is the state winner from the regional submissions statewide.

Sketches are judged on the following criteria: accuracy of proportion, realism, authenticity with regard to traditional courtroom sketching, figure/ground relationship, and use of contrast. Each component has a value up to five points.

The winner of the State High School Mock Trial Courtroom Sketch Artist competition is announced no earlier than two weeks following the regional competition on the SC Bar Web site at [www.sctbar.org/lre](http://www.sctbar.org/lre). The Courtroom Sketch Competition winner receives a certificate and a non-financial award.

#### 7.5 Release of Submission

All submissions in the High School Mock Trial Courtroom Sketch Artist Competition become the property of the South Carolina Bar and may be used by the Law Related Education Division for any purpose it deems appropriate, including but not limited to reproduction and dissemination.

#### 7.6 Submission Form

A [Sketch Submission Form](#) must be submitted at the same time as the school information sheet.

### 7.7 Improper Communication

Sketch artists may not verbalize, wave, use hand gestures, or use any other means to get a team member's attention. Sketch artists may not communicate with anyone during the trial or the recess.

### 7.8 National Participation

The winning state courtroom sketch artist is eligible to compete in the national competition with the accompaniment of an adult chaperone. The SC Bar pays for the registration fee and the sketch artists is responsible for all other expenses. Artists that participate nationally should be prepared to sketch in color.

**See additional resource for Courtroom Sketch Artists.  
[Courtroom Sketch Artist Tips for Sketching Mock Trial](#)**

## HIGH SCHOOL ONLY

### VIII. COURTROOM JOURNALIST COMPETITION

#### 8.1 Registration and Eligibility

Each school may register up to two courtroom journalists to compete in the Courtroom Journalist Competition.

Courtroom journalists are subject to all relevant Mock Trial Competition Rules (including the prohibition of communicating with any competing team members), restrictions, and eligibility requirements. Note pads are checked at the on-site registration to confirm the note pad consists of blank pages throughout the pad. The student receives a submission form to complete and submit prior to the competition.

**A. Registering with a Mock Trial Team:**

The courtroom journalist have a separate submission form. The journalist is also included on the School Information Sheet. The courtroom journalist also completes a talent release form like the other performing students. No additional journalists may be added after the courtroom/journalist deadline. The courtroom journalists have the same team code as their Mock Trial team and they accompany their team throughout the entire competition. The Courtroom journalists may not double as bailiffs, timekeepers, or any other team role. Courtroom journalists compete solely on their own efforts and do not advance to the state competition.

**B. Registering without a Mock Trial Team:**

If students register without a Mock Trial team, a teacher sponsor is required. Students along with their teacher sponsor(s) are randomly assigned to courtrooms throughout the day. Students and their sponsors must arrive and stay for a minimum of the first round. To register on a separate application, contact the SC Bar at (803) 252-5139 or [lre@scbar.org](mailto:lre@scbar.org). Registration is due by the stated deadline.

#### 8.2 Trials / Trial Depiction

Articles must describe actual courtroom presentations observed by the courtroom journalists on the competition day. Articles are written knowing the type of trial (civil or criminal) answering the questions who, what, where, when, and why. The articles are written as if the

article is appearing in a newspaper referencing what happened in the trial and use of quotes with context. Articles are created and completed solely by the courtroom journalists without the help of any source or person. Laptops are not permitted at the competition venue. The courtroom journalists observe trials in which his/her school is competing at the regional level. The courtroom journalists sit in the gallery behind the bar in the first row. Once the trial begins, the courtroom journalists may not move about the courtroom. The courtroom journalists may work throughout the trial rounds and during breaks. The courtroom journalists may not communicate with any member of the Mock Trial teams or any visitors in the courtroom during the trials or during the recess.

**Official Note:** *Journalists shall obtain a copy of the list of witnesses and exhibits located in the online Mock Trial Case Materials to assist them in correct spellings of names, titles, etc.*

### 8.3 Submission Specifications

Courtroom journalists must supply their own materials. Courtroom journalists are responsible for ensuring their work area is left neat and orderly with all trash disposed in the appropriate trash receptacle.

Article entries must be submitted as a Word Document (no PDFs) sized for 8.5 x 11-inch paper, one-inch margins on all four sides, double spaced, 12 point Arial font, the student's name on the first line, the school name on the second line, and a centered title on the fourth line with narrative following beginning on line six. There is a limit of two pages.

Each courtroom journalist submits one article for judging. Articles are emailed by the school's Mock Trial lead teacher coach to the State Mock Trial Coordinator no later than 5:00 p.m. on the first Monday following the regional competition once the lead teacher coach confirms the piece is a good representation of his/her school's work. Articles received after 5:00 p.m. on the first Monday following the regional competition are disqualified.

See the Courtroom Journalist Submission Form found in the Forms and Additional Resources Section.

### 8.4 Judging Components

The State Mock Trial Coordinator assigns each article a random number. The numbered articles are evaluated and scored anonymously by a judging team. Judges consist of attorneys, teachers, newspaper writers and editors, etc. with as many as 10+ judges.

Articles are judged on the following criteria: accuracy, clarity, objectivity, and style. Each component is worth up to five points. Penalties for grammar and spelling are deducted from the total score but may not exceed a penalty greater than ten points.

Articles are written from a journalist perspective as if observing a real trial and writing for a newspaper. Articles should not include team views on performances, opinions of judges, clothing, etc.

The highest scored article is the state winner from the regional submissions statewide. The winner of the State High School Mock Trial Courtroom Journalist Competition is announced within two weeks following the regional competition on the SC Bar Web site at [www.sctbar.org/lre](http://www.sctbar.org/lre). The winner receives a certificate and a non-financial award.

#### 8.5 Release of Submission

All submissions in the High School Mock Trial Courtroom Journalist Competition become the property of the South Carolina Bar and may be used by the Law Related Education Division for any purpose it deems appropriate, including but not limited to reproduction and dissemination.

#### 8.6 Submission Form

A Courtroom Journalist Submission Form must be submitted at the same time as the school information sheet. The Submission Form for journalists is not populated until after the case is released.

#### 8.7 Improper Communication

Courtroom journalists may not verbalize, wave, use hand gestures, or use any other means to get a team member's attention. Courtroom journalists may not communicate with anyone during the trial or recesses.

**See additional resource for Courtroom Journalists.**  
**[Courtroom Journalist Tips for Writing a Mock Trial News Article](#)**



**2023 / 2024**  
**MODIFIED RULES OF EVIDENCE**

**(Section 2 of 4)**

# 2023 / 2024

## MODIFIED RULES OF EVIDENCE <sup>1</sup>

In a trial, elaborate rules are used to regulate the admission of proof (i.e., oral or physical evidence). These rules are designed to ensure that both parties receive a fair hearing and to exclude any evidence deemed irrelevant, incompetent, untrustworthy, or unduly prejudicial. If it appears that a rule of evidence is being violated, an attorney may raise an objection to the presiding judge. The presiding judge then decides whether the rule has been violated and whether the evidence must be excluded from the record of the trial. In the absence of a properly made objection, however, the presiding judge will probably allow the evidence. The burden is on the team to know the rules and to be able to use them to protect their client and to limit the actions of opposing counsel and their witnesses (for example, to exclude hearsay and prevent unfair extrapolation).

The Mock Trial Rules of Evidence are a modified version of the Federal Rules of Evidence. If there is any conflict between the Mock Trial Rules of Evidence and the Federal or South Carolina Rules of Evidence, the Mock Trial Rules of Evidence will control.

Formal Rules of Evidence are quite complicated and differ depending on the court where the trial occurs. For purposes of the Mock Trial competition, the Rules of Evidence have been modified and simplified below. Not all presiding judges interpret the Rules of Evidence (or procedure) the same way and you must be prepared to point out the specific rule (quoting it, if necessary) and to argue persuasively for the interpretation and application of the rule you think proper. **No matter which way the presiding judge rules, accept the ruling with grace and courtesy.**

It is important to ensure the substance of the rule when making and defending an objection and not site the rule number only.

***Rules of Evidence for use of the Middle and High School Mock Trial Competitions are included below and overrule any prior Rules of Evidence.***

***Anything outlined in a light grey box is something that South Carolina is providing as additional information.***

### ARTICLE I. GENERAL PROVISIONS

Rule 101 Scope

These rules govern proceedings in the South Carolina Mock Trial program.

Rule 102 Purpose and Construction

These rules shall be construed so as to administer every proceeding fairly, eliminate unjustifiable expense and delay, and ascertain the truth and secure a just determination.

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<sup>1</sup> The applicable rules of evidence have been streamlined for the High School Mock Trial Competition.

Rule 103 Reserved

Rule 104 Conditional Admission

(a) Reserved

(b) The court may admit proposed evidence on the condition that the proof necessary for admission be introduced later.

Rule 105 Limiting Evidence That Is Not Admissible Against Other Parties or for Other Purposes

If the court admits evidence that is admissible against a party or for a purpose – but not against another party or for another purpose – the court, on timely request, must restrict the evidence to its proper scope and instruct the jury accordingly.

Rule 106 Remainder of Related Writings or Recorded Statements

If a party introduces all or part of a writing or recorded statement, an adverse party may require the introduction, at that time, of any other part – any other writing or recorded statement – that in fairness ought to be considered at the same time.

## ARTICLE II. JUDICIAL NOTICE

Rule 201 Judicial Notice of Adjudicative Facts

- (a) This rule governs judicial notice of an adjudicative fact only, not a legislative fact; and
- (b) The court may judicially notice a fact that is not subject to reasonable dispute because it is a matter of mathematical or scientific certainty. For example, the court could take judicial notice that  $10 \times 10 = 100$  or that there are 5280 feet in a mile.
- (c) The court:
  - 1) May take judicial notice on its own; or
  - 2) Must take judicial notice if a party requests it and the court is supplied with the necessary information.
- (d) The court may take judicial notice at any stage in the proceeding.
- (e) A party is entitled to be heard on the propriety of taking judicial notice and the nature of the fact to be noticed.
- (f) In a civil case, the court must instruct the jury to accept the noticed fact as conclusive. In a criminal case, the court must instruct the jury that it may or may not accept the noticed fact as conclusive.

## ARTICLE III. PRESUMPTIONS IN CIVIL ACTIONS AND PROCEEDINGS

No Federal Rules of Evidence under Article III apply to the Mock Trial program.

## ARTICLE IV. RELEVANCY AND ITS LIMITS

Rule 401 Test for Relevant Evidence

Evidence is relevant if:

- (a) It has any tendency to make a fact more or less probable than it would be without the evidence; and
- (b) The fact is of consequence in determining the action.

Rule 402 General Admissibility of Relevant Evidence

Relevant evidence is admissible unless these rules provide otherwise. Irrelevant evidence is not admissible.

Rule 403 Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, or Other Reasons

The court may exclude relevant evidence if its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence.

Rule 404 Character Evidence; Crimes or Other Acts

**(a) Character Evidence:**

- (1) **Prohibited Uses:** Evidence of a person's character or character trait is not admissible to prove that on a particular occasion the person acted in accordance with the character or trait.

**Official Comment:**

*In other words, mention of a person's typical behavior is not admissible when trying to prove that the person behaved in a way that matches the behavior discussed in the current case.*

- (2) **Exceptions for a Defendant or Victim in a Criminal Case:** The following exceptions apply in a criminal case:

- (A) A defendant may offer evidence of the defendant's pertinent trait, and if the evidence is admitted, the prosecutor may offer evidence to rebut it;

**Official Comment:**

*In other words, once the character evidence is provided by the Defendant, the Prosecution/Plaintiff can attack these statements with character evidence that would normally be excluded as improper character evidence.*

- (B) A defendant may offer evidence of an alleged victim's pertinent trait, and if the evidence is admitted, the prosecutor may:

- (i) Offer evidence to rebut it;
- (ii) Offer evidence of the defendant's same trait; and

**Official Comment:**

*In other words, the accused in a criminal case can point out important and related character traits of the victim, such as aggressiveness, to defend him/herself. The Prosecution can then argue that the victim exhibited traits of peacefulness in the past. The Prosecution may also then argue that the defendant him/herself has exhibited aggressiveness in the past.*

- (C) In a homicide case, the prosecutor may offer evidence of the alleged victim's trait of peacefulness to rebut evidence that the victim was the first aggressor.

**Official Comment:**

*In other words, if the charge against the Defendant is murder and the Defendant raises self-defense or otherwise alleges that the victim started the fight, then the Prosecutor may offer evidence that the victim was a peaceful person.*

- (3) **Exceptions for a Witness:** Evidence of a witness's character may be admitted under

Rule 607 Who May Impeach, and  
Rule 608 A Witness's Character for Truthfulness or Untruthfulness; and  
Rule 609 Impeachment by Evidence of a Criminal Conviction.

**(b) Other Crimes, Wrongs, or Other Acts:**

- (1) **Prohibited Uses:** Evidence of a crime, wrong, or other act is not admissible to prove a person's character in order to show that on a particular occasion the person acted in accordance with the character.
- (2) **Permitted Uses:** This evidence may be admissible for another purpose, such as proving motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident.

**Official Comment:**

*In other words, mention of a person's prior crimes, wrongs, or acts is not admissible to prove that the person acted in conformity with the prior bad acts. However, such evidence may be admissible to show motive, identity, common scheme or plan, intent, or absence of mistake or accident.*

*If Rule 404 is found to apply, see Rule 405.*

Rule 405 Methods of Proving Character

**(This rule applies only if character evidence is admissible.)**

**(a) Reputation or Opinion:**

When evidence of a person's character or character trait is admissible, it may be proved by testimony about the person's reputation or by testimony in the form of an opinion. On cross-examination of the character witness, the court may allow an inquiry into relevant specific instances of the person's conduct.

**(b) Specific Instances of Conduct:**

When a person's character or character trait is an essential element of a charge, claim, or defense, the character or trait may also be proved by relevant specific instances of the person's conduct.

Rule 406 Habit, Routine Practice

Evidence of a person's habit or an organization's routine practice may be admitted to prove that on a particular occasion the person or organization acted in accordance with the habit or

routine practice. The court may admit this evidence regardless of whether it is corroborated or whether there was an eyewitness.

#### Rule 407 Subsequent Remedial Measures

When measures are taken that would have made an earlier injury or harm less likely to occur, evidence of the subsequent measures is not admissible to prove:

- Negligence;
- Culpable conduct;
- A defect in a product or its design; or
- A need for a warning or instruction.

But the court may admit this evidence for another purpose, such as impeachment or — if disputed — proving ownership, control, or the feasibility of precautionary measures.

#### Rule 408 Compromise and Offers to Compromise (*Civil Case Only*)

##### (a) **Prohibited Uses:**

Evidence of the following is not admissible — on behalf of any party — either to prove or disprove the validity or amount of a disputed claim or to impeach by a prior inconsistent statement or a contradiction:

- (1) Furnishing, promising, or offering — or accepting, promising to accept, or offering to accept — a valuable consideration in compromising or attempting to compromise the claim; and
- (2) Conduct or a statement made during compromise negotiations about the claim — except when offered in a criminal case and when the negotiations related to a claim by a public office in the exercise of its regulatory, investigative, or enforcement authority.

##### (b) **Exceptions:**

The court may admit this evidence for another purpose, such as proving a witness's bias or prejudice, negating a contention of undue delay, or proving an effort to obstruct a criminal investigation or prosecution.

#### Rule 409 Offers to Pay Medical and Similar Expenses (*Civil Case Only*)

Evidence of furnishing, promising to pay, or offering to pay medical, hospital, or similar expenses resulting from an injury is not admissible to prove liability for the injury.

#### Rule 410 Pleas, Plea Discussions, and Related Statements

##### (a) **Prohibited Uses:**

In a civil or criminal case, evidence of the following is not admissible against the defendant who made the plea or participated in the plea discussions:

- (1) A guilty plea that was later withdrawn;
- (2) A nolo contendere plea;
- (3) A statement made during a proceeding on either of those pleas under Federal Rule of Criminal Procedure 11 or a comparable state procedure; or

- (4) A statement made during plea discussions with an attorney for the prosecuting authority if the discussions did not result in a guilty plea or they resulted in a later-withdrawn guilty plea.

**(b) Exceptions:**

The court may admit a statement described in Rule 410(a) Prohibited Uses (3) or (4):

- (1) In any proceeding in which another statement made during the same plea or plea discussions has been introduced, if in fairness the statements ought to be considered together; or
- (2) In a criminal proceeding for perjury or false statement, if the defendant made the statement under oath, on the record, and with counsel present.

Rule 411 Liability Insurance

Evidence that a person was or was not insured against liability is not admissible to prove whether the person acted negligently or otherwise wrongfully. But the court may admit this evidence for another purpose, such as proving a witness's bias or proving agency, ownership, or control.

## ARTICLE V. PRIVILEGES

Rule 501 General Rule

There are certain admissions and communications excluded from evidence on grounds of public policy. Among these are:

- (1) Communications between spouses,
- (2) Communications between attorney and client; and
- (3) Communications between medical or mental health care providers and patients.

## ARTICLE VI. WITNESSES

Rule 601 General Rule of Witness Competency

Every person is competent to be a witness.

Rule 602 Need for Personal Knowledge

A witness may testify to a matter only if evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter. Evidence to prove personal knowledge may consist of the witness's own testimony. This rule does not apply to a witness's expert testimony under Rule 703 Bases of Opinion Testimony by Experts. (Also see Rule 2.2 – Witnesses Bound by Statements.)

Rule 603 Oath or Affirmation

Before testifying, every witness is required to declare that the witness will testify truthfully, by oath or affirmation, by the oath provided in these materials. The bailiff swears in all witnesses at one time before opening statements as follows:

“Do you promise the testimony you are about to give will faithfully and truthfully conform to the facts and rules of the Mock Trial competition?”

A video link showing the [bailiff opening court](#) can be viewed.

Visit [www.scbare.org/lre](http://www.scbare.org/lre) and click on the Middle School or High School Mock Trial logo on the main page. Go to *Videos for Coaches and Students* and then scroll through the video clips available.

Rule 607 Who May Impeach

Any party, including the party that called the witness, may attack the witness's credibility.

A video link showing [examples on how to impeach](#) can be viewed.

Visit [www.scbare.org/lre](http://www.scbare.org/lre) and click on the Middle School or High School Mock Trial logo on the main page. Go to *Videos for Coaches and Students* and then scroll through the video clips available.

Rule 608 **A Witness's Character** for Truthfulness or Untruthfulness

(a) **Reputation or Opinion Evidence:**

A witness's credibility may be attacked or supported by testimony about the witness's reputation for having a character for truthfulness or untruthfulness, or by testimony in the form of an opinion about that character. But evidence of truthful character is admissible only after the witness's character for truthfulness has been attacked.

(b) **Specific Instances of Conduct:**

Except for a criminal conviction under Rule 609 Impeachment by Evidence of a Criminal Conviction, extrinsic evidence is not admissible to prove specific instances of a witness's conduct in order to attack or support the witness's character for truthfulness. But the court may, on cross-examination, allow them to be inquired into if they are probative of the character for truthfulness or untruthfulness of:

- (1) The witness; or
- (2) Another witness whose character the witness being cross-examined has testified about.

By testifying on another matter, a witness does not waive any privilege against self-incrimination for testimony that relates only to the witness's character for truthfulness.

Rule 609 Impeachment by Evidence of a Criminal Conviction  
(*this rule applies only to witnesses with prior convictions*)

(a) **In General:**

The following rules apply to attacking a witness's character for truthfulness by evidence of a criminal conviction:

- (1) For a crime that, in the convicting jurisdiction, was punishable by death or by imprisonment for more than one year, the evidence:



- (A) Must be admitted, subject to Rule 403 Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, or Other Reasons, in a civil case or in a criminal case in which the witness is not a defendant; and
  - (B) Must be admitted in a criminal case in which the witness is a defendant, if the probative value of the evidence outweighs its prejudicial effect to that defendant.
- (2) For any crime regardless of the punishment, the evidence must be admitted if the court can readily determine that establishing the elements of the crime required proving — or the witness's admitting — a dishonest act or false statement.

**(b) Limit on Using the Evidence after 10 Years:**

This subdivision (b) applies if more than 10 years have passed since the witness's conviction or release from confinement for it, whichever is later. Evidence of the conviction is admissible only if its probative value, supported by specific facts and circumstances, substantially outweighs its prejudicial effect.

**(c) Effect of a Pardon, Annulment, or Certificate of Rehabilitation:**

Evidence of a conviction is not admissible if:

- (1) The conviction has been the subject of a pardon, annulment, certificate of rehabilitation, or other equivalent procedure based on a finding that the person has been rehabilitated, and the person has not been convicted of a later crime punishable by death or by imprisonment for more than one year; or
- (2) The conviction has been the subject of a pardon, annulment, or other equivalent procedure based on a finding of innocence.

**(d) Juvenile Adjudications:**

Evidence of a juvenile adjudication is admissible under this rule only if:

- (1) It is offered in a criminal case;
- (2) The adjudication was of a witness other than the defendant;
- (3) An adult's conviction for that offense would be admissible to attack the adult's credibility; and
- (4) Admitting the evidence is necessary to fairly determine guilt or innocence.

**(e) Pendency of an Appeal:**

A conviction that satisfies this rule is admissible even if an appeal is pending. Evidence of the pendency is also admissible.

Rule 610 Religious Beliefs or Opinions

Evidence of a witness's religious beliefs or opinions is not admissible to attack or support the witness's credibility.

Rule 611 Mode and Order of Interrogation and Presentation

**(a) Control by Court; Purposes:**

The Court should exercise reasonable control over the mode and order of examining witnesses and presenting evidence so as to:

- (1) Make those procedures effective for determining the truth;
- (2) Avoid wasting time; and
- (3) Protect witnesses from harassment or undue embarrassment.

**Scope of Direct Examination:** Direct questions shall be phrased to evoke facts from the witness. Witnesses may not be asked leading questions by the attorney who calls them. A leading question is one that suggests to the witness the answer desired by the examiner and often suggests a "yes" or "no" answer.

**Example of a Direct Question:**

- (1) "Mr. Patterson, what did you do immediately after seeing Mr. Winstead run from the house?"
- (2) "Mr. Patterson, prior to today, have you ever met Mr. Winstead?" (Note: Although this is a "Yes" or "No" question, it is NOT a leading question because it does not suggest what the questioner wants the answer to be.)

**Example of a Leading Question:**

"Mr. Patterson, is it not true that you knew Mr. Winstead prior to today?" (This conveys the intent of the question for the witness to answer "Yes" and is therefore improper for direct.)

**Example of a Question which calls for a Narrative (improper for direct):**

"Mr. Patterson, tell us everything you know about Mr. Winstead."

While the purpose of direct examination is to get the witness to tell a story, the questions must ask for specific information. The questions must not be so broad that the witness is allowed to wander or "narrate" a whole story. Narrative questions are objectionable, but it is rare for an attorney on direct to ask a question (such as the example here) that is obviously too broad.

Often, the issue does not arise until the witness goes clearly beyond what is necessary to answer the question. If that occurs, opposing counsel can object that "the witness is giving a narrative answer" (i.e., beyond what is necessary to answer the question.)

(b) **Scope of Cross-Examination:**

The scope of the cross-examination shall not be limited to the scope of the direct examination, but may inquire into any relevant facts or matters contained in the witness' statement and/or relevant exhibits, **including** all reasonable inferences that can be drawn from those facts and matters, and may inquire into any omissions from the witness' statement and/or relevant exhibits that are otherwise material and admissible.

*Cross-examination is the questioning of a witness by an attorney from the opposing side of the case. Cross-examination is not limited to direct questioning.*

- (1) **Form of Questions:** An attorney may ask leading questions when cross-examining the opponent's witnesses. Questions tending to evoke a narrative answer shall be avoided. Example of a leading question: "Mrs. Winstead, isn't it true that your son chose of his own free will to join the army?"
- (2) **Scope of Witness Examination:** In the Mock Trial competition, attorneys are allowed unlimited range on cross-examination of witnesses as long as questions are relevant to the case. Witnesses must be called by their own team and may not be recalled by either side. All desired questioning of a particular witness must be done by both sides in a single appearance on the witness stand.

A video link showing [cross-examination examples](#) can be viewed.

Visit [www.scbbar.org/lre](http://www.scbbar.org/lre) and the click on the Middle School or High School Mock Trial logo on the main page. Go to *Videos for Coaches and Students* and then scroll through the video clips available.

(c) **Leading Questions:**

Leading questions should not be used on direct examination except as necessary to develop the witness' testimony. Ordinarily, the court should allow leading questions:

- (1) On cross-examination; and
- (2) When a party calls a hostile witness, an adverse party, or a witness identified with an adverse party.

(d) **Redirect / Recross:**

After cross-examination, additional questions may be asked by the direct examining attorney, but questions must be limited to matters raised by the attorney on cross-examination. Likewise, additional questions may be asked by the cross-examining attorney on recross, but such questions must be limited to matters raised on redirect examinations and should avoid repetition.

(e) **Permitted Motions:**

The only motion permissible is one requesting the presiding judge to strike testimony following a successful objection to its admission.

**Official Comment:**

A team may treat its own witness as "hostile" under Rule 611(c). Any witness may portray the character as "hostile" and teams may develop strategy around that portrayal. Teams are cautioned; however, that scoring judges might see this as a tactic designed to use leading questions to bolster a weaker performance and could score down accordingly. A skilled team can use this technique strategically (that is, to provide a realistic portrayal of a character or to demonstrate a lawyer's ability to control a hostile witness) without over-relying on leading questions.

For example, a lawyer walking a weaker witness through a direct examination with leading question after leading question by calling the witness "hostile" will score lower. A lawyer who methodically challenges a hostile witness then forces an admission or other testimony with a well-timed leading question or two will score higher.

Rule 612 Writing Used to Refresh Memory

(a) **Scope.** This rule gives an adverse party certain options when a witness uses a writing to refresh memory:

- (1) While testifying; or
- (2) Before testifying, if the court decides that justice requires the party to have those options.

(b) **Adverse Party's Options.** An adverse party is entitled to have the writing produced at the hearing, to inspect it, to cross-examine the witness about it, and to introduce in evidence any portion that relates to the witness's testimony.

Rule 613      **Witness's Prior Statement**

(a) **Showing or Disclosing the Statement During Examination:**

When examining a witness about the witness's prior statement, a party need not show it or disclose its contents to the witness. But the party must, on request, show it or disclose its contents to an adverse party's attorney.

(b) **Extrinsic Evidence of a Prior Inconsistent Statement:**

Extrinsic evidence of a witness's prior inconsistent statement is admissible only if the witness is given an opportunity to explain or deny the statement and an adverse party is given an opportunity to examine the witness about it, or if justice so requires. This subdivision (b) does not apply to an opposing party's statement under Rule 801(d)(2) Definitions – Statements That Are Not Hearsay – An Opposing Party's Statement.

**Official Comment:**

*A cross-examining attorney may want to challenge the credibility of a witness by showing that the witness has testified in court in a way that is inconsistent with that witness' affidavit. This tactic is called "impeaching the witness." It may be executed by asking the witness whether s/he has ever given an affidavit inconsistent with the witness' testimony. If the witness maintains that s/he has not testified inconsistently, or states s/he does not remember making the statement, the cross-examining attorney may choose to present the witness's affidavit to him/her to prove the inconsistency. The attorney should ask the presiding judge's permission to approach the witness to show him/her the affidavit (or ask if s/he has a copy on the witness stand already). If permission is granted, the attorney should direct the witness and the court to the page and line containing the inconsistency. The lawyer can read the part of the affidavit containing the inconsistency or ask that the witness do so.*

*As a general rule, the affidavit itself should not be admitted into evidence. One exception; however, would be where a witness testifies in a manner inconsistent with a statement made in that witness's affidavit and maintains the inconsistency even when shown the portion of the affidavit which the cross-examining attorney believes is inconsistent. Under those circumstances, the cross-examining attorney may ask to enter the affidavit into evidence to prove the contradiction to the jury. Either side can request redaction of other portions of the affidavit not relevant to the impeachment. (In Mock Trial, the presiding Judge can order that such portions "be considered redacted" without the need for actual physical redaction.)*

*Note, however, if a witness is impeached with an inconsistent statement in his/her affidavit and admits making the statement (either before or after being shown the affidavit), there is no need to introduce the affidavit (or any portion thereof) into evidence, and such should not be requested.*

*Therefore, if a witness is asked whether he or she made the statement "X" in his/her affidavit and admits it, the attorney asking the question should move on to the next question. If the witness denies making the statement or testified he/she cannot remember making the statement, the attorney may ask permission to have the witness refer to his/her affidavit. If, after having been shown his/her affidavit, the witness maintains s/he did not make that statement, the attorney may request that the affidavit be admitted into evidence.*

A video link showing [how to impeach examples](#) can be viewed.

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## ARTICLE VII. OPINIONS AND EXPERT TESTIMONY

### Rule 701 Opinion Testimony by Lay Witness

If a witness is not testifying as an expert, testimony in the form of an opinion is limited to one that is:

- (a) Rationally based on the witness's perception;
- (b) Helpful to clearly understanding the witness' testimony or to determining a fact in issue; and
- (c) Not based on scientific, technical, or other specialized knowledge within the scope of Rule 702 Testimony by Experts.

### Rule 702 Testimony by Experts

A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if:

- (a) The expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue; and
- (b) The testimony is based on sufficient facts or data.

#### **Official Comment:**

*A witness cannot give expert opinions under Rule 702 Testimony by Experts until s/he has been tendered as an expert by the examining lawyer and recognized as such by the court. To have an expert witness admitted by the court, first ask the witness to testify as to his/her qualifications. Then ask the presiding judge that the expert witness be qualified as an expert in the field of \_\_\_\_\_. The presiding judge then asks opposing counsel if there are any objections to having the witness recognized as an expert. Either there are no objections or there is an argument as to why the witness is not qualified as an expert. The presiding judge then rules if as to whether the witness is qualified as an expert.*

*Prior to the court's admission of a witness as an expert, the witness cannot provide any opinions and the attorneys shall object to any attempts by an undesignated expert to render opinion testimony. Once the witness is qualified and admitted as an expert by the court, the witness can offer only opinions that are within the witness' recognized field of expertise.*

### Rule 703 Bases of **an Expert's Opinion Testimony**

An expert may base an opinion on facts or data in the case that the expert has been made aware of or personally observed. If experts in the particular field would reasonably rely on those kinds of facts or data in forming an opinion on the subject, they need not be admissible for the opinion to be admitted. But if the facts or data would otherwise be inadmissible, the proponent

of the opinion may disclose them to the jury only if their probative value in helping the jury evaluate the opinion substantially outweighs their prejudicial effect.

#### Rule 704 Opinion on Ultimate Issue

(a) **In General – Not Automatically Objectionable:**

An opinion is not objectionable just because it embraces an ultimate issue.

(b) **Exception:**

In a criminal case, an expert witness must not state an opinion about whether the defendant did or did not have a mental state or condition that constitutes an element of the crime charged or of a defense. Those matters are for the trier of fact alone.

#### Rule 705 **Disclosing the Facts or Data Underlying An Expert's Opinion**

Unless the court orders otherwise, an expert may state an opinion — and give the reasons for it — without first testifying to the underlying facts or data. But the expert may be required to disclose those facts or data on cross-examination.

### ARTICLE VIII. HEARSAY

#### Rule 801 Definitions

The following definitions apply under this article:

(a) **Statement:**

A "statement" means a person's oral assertion, written assertion, or nonverbal conduct, if the person intended it as an assertion.

(b) **Declarant:**

A "declarant" means the person who made the statement.

(c) **Hearsay:**

"Hearsay" means a statement that:

- (1) The declarant does not make while testifying at the current trial or hearing; and
- (2) A party offers in evidence to prove the truth of the matter asserted in the statement.

(d) **Statements That Are Not Hearsay:**

A statement that meets the following conditions is not hearsay:

(1) **A Declarant – Witness's Prior Statement:**

The declarant testifies and is subject to cross-examination about a prior statement, and the statement:

- (A) Is inconsistent with the declarant's testimony and was given under penalty of perjury at a trial, hearing, or other proceeding or in a deposition;
- (B) Is consistent with the declarant's testimony and is offered:
  - (i) To rebut an express or implied charge that the declarant recently fabricated it or acted from a recent improper influence or motive in so testifying; or
  - (ii) To rehabilitate the declarant's credibility as a witness when attacked on another ground; or
- (C) Identifies a person as someone the declarant perceived earlier.

(2) **An Opposing Party's Statement:**

The statement is offered against a party and:

- (A) Was made by the party in an individual or representative capacity;
- (B) Is one the party manifested that it adopted or believed to be true;
- (C) Was made by a person whom the party authorized to make a statement on the subject;
- (D) Was made by the party's agent or employee on a matter within the scope of that relationship and while it existed; or
- (E) Was made by the party's coconspirator during and in furtherance of the conspiracy.

The statement must be considered but does not itself establish the declarant's authority under (C); the existence or scope of the relationship under (D); or the existence of the conspiracy or participation in it under (E).

**Official Comment:**

*Hearsay generally has a three step analysis:*

- 1) *Is it an "out-of-court" statement?*
- 2) *If so, is it offered to prove the truth of the out-of-court statement?*
- 3) *If so, is there an exception that allows the out-of-court statement to be admitted despite the fact that it is hearsay?*

*An example of hearsay would be a witness saying, "I heard Bob Smith [who is not testifying in the case] say that he saw the Defendant kill the victim." If this is offered to try to prove that the Defendant killed the victim, the Defendant's attorney has no way of cross-examining Bob Smith about what he saw, or whether he has a bias against the Defendant, or whether there is any other reason to disbelieve the statement. Because we cannot test the credibility (truthfulness or untruthfulness) of the substance of Bob's statement, it is untrustworthy and shall not be admitted.*

*An example that would not be hearsay: a witness testifies "I heard Bob Smith tell the Defendant that the Defendant's child was at the hospital and was seriously injured." If this is offered to show why the Defendant raced to the hospital, it is not a statement being offered "for the truth of the matter asserted" (i.e., it is not offered to show the child was actually injured, this is not the point), then it would NOT be hearsay. The statement is being admitted to show why someone took some action, not for the truth of the statement. (And it is irrelevant whether the statement is actually true or not.) In this instance, the issue is whether or not the statement was made (and the witness can be cross-examined on this point), not the truth of the statement.*

*An example that is hearsay, but which is likely an exception (and therefore might be admitted): a witness testifies "I was talking on the phone with the victim when he told me the Defendant was knocking at his door." This is hearsay; however, it likely falls under exception Rule 803(1) – Present Sense Impression.*

*For the purposes of the Mock Trial competition, the exceptions to the hearsay rule which are listed herein (Rules 803 Exceptions to the Rule Against Hearsay – Regardless of Whether the Declarant is Available as a Witness and Rule 804 Hearsay Exceptions; Declarant Unavailable) can be used.*

Rule 802 Hearsay Rule

Hearsay is not admissible except as provided by these Modified Rules of Evidence.

Rule 803 Exceptions to the Rule Against Hearsay – Regardless of Whether the Declarant is Available as a Witness

A video link showing the [hearsay exceptions](#) can be viewed.

Visit [www.scbare.org/lre](http://www.scbare.org/lre) and then click on the Middle School or High School Mock Trial logo on the main page. Go to *Videos for Coaches and Students* and then scroll through the video clips available.

The following are not excluded by the hearsay rule, regardless of whether the declarant is available as a witness:

- (1) **Present Sense Impression:**  
A statement describing or explaining an event or condition, made while or immediately after the declarant perceived it.
- (2) **Excited Utterance:**  
A statement relating to a startling event or condition, made while the declarant was under the stress of excitement that it caused.
- (3) **Then Existing Mental, Emotional, or Physical Condition:**  
A statement of the declarant's then-existing state of mind (such as motive, intent, or plan) or emotional, sensory, or physical condition (such as mental feeling, pain, or bodily health), but not including a statement of memory or belief to prove the fact remembered or believed unless it relates to the validity or terms of the declarant's will.

**Examples of Then Existing Mental, Emotional, or Physical Conditions:**

**Emotional State:** *Bob said he was scared.*

**Physical State:** *Jim said he had a headache.*

**Mental State:** *He said he was going to take the car out and see how fast it would go.*

- (4) **Statements Made for Medical Diagnosis or Treatment:**  
A statement that:
  - (A) Is made for – and is reasonably pertinent to – medical diagnosis or treatment; and
  - (B) Describes medical history; past or present symptoms or sensations; their inception; or their general cause.
- (5) **Recorded Recollection:**  
A record that:
  - (A) Is on a matter the witness once knew about but now cannot recall well enough to testify fully and accurately;
  - (B) Was made or adopted by the witness when the matter was fresh in the witness's memory; and



(C) Accurately reflects the witness's knowledge.

If admitted, the record may be read into evidence but may be received as an exhibit only if offered by an adverse party.

**(6) Records of a Regularly Conducted Activity:**

A record of an act, event, condition, opinion, or diagnosis if:

- (A) The record was made at or near the time by — or from information transmitted by — someone with knowledge;
- (B) The record was kept in the course of a regularly conducted activity of a business, organization, occupation, or calling, whether or not for profit;
- (C) Making the record was a regular practice of that activity;
- (D) All these conditions are shown by the testimony of the custodian or another qualified witness; and
- (E) The opponent does not show that the source of information or the method or circumstances of preparation indicate a lack of trustworthiness.

**(7) Absence of a Record of a Regularly Conducted Activity:**

Evidence that a matter is not included in a record described in paragraph (6) if:

- (A) The evidence is admitted to prove that the matter did not occur or exist;
- (B) A record was regularly kept for a matter of that kind; and
- (C) The opponent does not show that the possible source of information or other circumstances indicate a lack of trustworthiness.

**(8) Public Records and Reports:**

A record or statement of a public office if:

- (A) It sets out:
  - (i) The office's activities;
  - (ii) A matter observed while under a legal duty to report, but not including, in a criminal case, a matter observed by law-enforcement personnel; or
  - (iii) In a civil case or against the government in a criminal case, factual findings from a legally authorized investigation; and
- (B) The opponent does not show that the source of information or other circumstances indicate a lack of trustworthiness.

**(9) Records of Vital Statistics:**

A record of a birth, death, or marriage, if reported to a public office in accordance with a legal duty.

**(10) Absence of a Public Record or Entry:**

Testimony that a diligent search failed to disclose a public record or statement if the testimony or certification is admitted to prove that:

- (A) The record or statement does not exist; or
- (B) A matter did not occur or exist, if a public office regularly kept a record or statement for a matter of that kind.

(11) **Records of Religious Organizations:**

Statements of births, marriages, divorces, deaths, legitimacy, ancestry, relationship by blood or marriage, or other similar facts of personal or family history, contained in a regularly kept record of a religious organization.

(12) **Omitted**

(13) **Family Records:**

Statements of facts concerning personal or family history contained in family Bibles, genealogies, charts, engravings on rings, inscriptions of family portraits, engravings on urns, crypts, or tombstones, or the like.

(14) **Omitted**

(15) **Omitted**

(16) **Statements in Ancient Documents:**

A statement in a document that was prepared before January 1, 1998, and whose authenticity is established.

(17) **Omitted**

(18) **Statements in Learned Treatises, Periodicals, or Pamphlets:**

A statement contained in a treatise, periodical, or pamphlet if:

- (A) The statement is called to the attention of an expert witness on cross-examination or relied on by the expert on direct examination; and
- (B) The publication is established as a reliable authority by the expert's admission or testimony, by another expert's testimony, or by judicial notice.

If admitted, the statement may be read into evidence, but not received as an exhibit.

(19) **Reputation Concerning Personal or Family History:**

Reputation among members of a person's family by blood, adoption, or marriage, or among a person's associates, or in the community, concerning a person's birth, adoption, marriage, divorce, death, legitimacy, relationship by blood, adoption, or marriage, ancestry, or other similar fact of personal or family history.

(20) **Omitted**

(21) **Reputation Concerning Character:**

A reputation among a person's associates or in the community concerning the person's character.

(22) **Judgment of a Previous Conviction:**

Evidence of a final judgment of conviction if:

- (A) The judgment was entered after a trial or guilty plea, but not a nolo contendere plea;
- (B) The conviction was for a crime punishable by death or by imprisonment for more than a year;
- (C) The evidence is admitted to prove any fact essential to the judgment; and
- (D) When offered by the prosecutor in a criminal case for a purpose other than impeachment, the judgment was against the defendant.

The pendency of an appeal may be shown, but does not affect admissibility.

(23) **Omitted**

Rule 804 Hearsay Exceptions; Declarant Unavailable

a. **Criteria for Being Unavailable.**

A declarant is considered to be unavailable as a witness if the declarant:

- (1) Is exempted from testifying about the subject matter of the declarant's statement because the court rules that a privilege applies;
- (2) Refuses to testify about the subject matter despite a court order to do so;
- (3) Testifies to not remembering the subject matter;
- (4) Cannot be present or testify at the trial or hearing because of death or a then-existing infirmity, physical illness, or mental illness; or
- (5) Is absent from the trial or hearing and the statement's proponent has not been able, by process or other reasonable means, to procure:
  - (A) The declarant's attendance, in the case of a hearsay exception under Rule 804: Hearsay Exceptions – Declarant Unavailable: (b)(1) or (6); or
  - (B) The declarant's attendance or testimony, in the case of a hearsay exception under Rule 804: Hearsay Exceptions – Declarant Unavailable: (b)(2), (3), or (4).

But this subdivision (a) does not apply if the statement's proponent procured or wrongfully caused the declarant's unavailability as a witness in order to prevent the declarant from attending or testifying.

b. **The Exceptions:**

The following are not excluded by the rule against hearsay if the declarant is unavailable as a witness:

(1) **Former Testimony:** Testimony that:

- (A) Was given as a witness at a trial, hearing, or lawful deposition, whether given during the current proceeding or a different one; and
- (B) Is now offered against a party who had — or, in a civil case, whose predecessor in interest had — an opportunity and similar motive to develop it by direct, cross-, or redirect examination.

(2) **Statement Under the Belief of Imminent Death:**

In a prosecution for homicide or in a civil case, a statement that the declarant, while believing the declarant's death to be imminent, made about its cause or circumstances.

- (3) **Statement Against Interest:** A statement that:
- (A) A reasonable person in the declarant's position would have made only if the person believed it to be true because, when made, it was so contrary to the declarant's proprietary or pecuniary interest or had so great a tendency to invalidate the declarant's claim against someone else or to expose the declarant to civil or criminal liability; and
  - (B) Is supported by corroborating circumstances that clearly indicate its trustworthiness, if it is offered in a criminal case as one that tends to expose the declarant to criminal liability.
- (4) **Statement of Personal or Family History:** A statement about:
- (A) The declarant's own birth, adoption, legitimacy, ancestry, marriage, divorce, relationship by blood, adoption, or marriage, or similar facts of personal or family history, even though the declarant had no way of acquiring personal knowledge about that fact; or
  - (B) Another person concerning any of these facts, as well as death, if the declarant was related to the person by blood, adoption, or marriage or was so intimately associated with the person's family that the declarant's information is likely to be accurate.
- (5) **Not Applicable**
- (6) **Statement Offered Against a Party That Wrongfully Caused the Declarant's Unavailability:**  
A statement offered against a party that wrongfully caused — or acquiesced in wrongfully causing — the declarant's unavailability as a witness, and did so intending that result.

Rule 805 Hearsay within Hearsay

Hearsay included within hearsay is not excluded by the rule against hearsay if each part of the combined statements conforms with an exception to the rule.

Rule 806 **Attacking and Supporting the Declarant's Credibility**

When a hearsay statement — or a statement described in Rule 801: Definitions (d)(3)(C), (D), or (E) has been admitted in evidence, the declarant's credibility may be attacked, and then supported, by any evidence that would be admissible for those purposes if the declarant had testified as a witness. The court may admit evidence of the declarant's inconsistent statement or conduct, regardless of when it occurred or whether the declarant had an opportunity to explain or deny it. If the party against whom the statement was admitted calls the declarant as a witness, the party may examine the declarant on the statement as if on cross-examination.

Rule 807 Residual Exception

Under the following conditions, a hearsay statement is not excluded by the rule against hearsay even if the statement is not admissible under a hearsay exception in Rule 803: Exceptions to the Rule Against Hearsay — Regardless of Whether the Declarant is Available as a Witness and Rule 804: Hearsay Exceptions — Declarant Unavailable:

- (1) The statement is supported by sufficient guarantees of trustworthiness – after considering the totality of circumstances under which it was made and evidence, if any, corroborating the statement; and
- (2) It is more probative on the point for which it is offered than any other evidence that the proponent can obtain through reasonable efforts.

## ARTICLE IX – IMPROPER FORM OF QUESTION

### Rule 901 Assuming Facts Not in Evidence

An attorney shall not ask a question that assumes unproven facts. However, an expert witness may be asked a question based upon stated assumptions, the truth of which is reasonably supported by the evidence.

### Rule 902 Argumentative Questions

An attorney shall not ask a question that asks the witness to agree to a conclusion drawn by the question without eliciting testimony as to new facts; provided, however, that the Court may in its discretion allow limited use of argumentative questions on cross-examination.

### Rule 903 Ambiguous Questions

An attorney shall not ask questions that are capable of being understood in two or more possible ways.

### Rule 904 Lack of Proper Foundation

Exhibits are not to be admitted into evidence until they have been identified and shown to be authentic (unless identification and/or authenticity have been stipulated). Even after a proper foundation has been laid, the exhibits may still be objectionable due to relevance, hearsay, etc. "Authentic" means only that a document is what it appears to be, not that the statements contained in the document are necessarily true.

**2023 / 2024  
FORMS and  
SUPPORTING INFORMATION**

**(Section 3 of 4)**

# AWARDS and SCHOLARSHIPS

The SC Bar Law Related Education (LRE) Division offers many forms of recognition. Each year the following awards and scholarships applications are available NOW!

## **Scholarships – Mock Trial**

**\$1,000**

Each year, high school seniors are selected as scholarship recipients. Students must have been a member of a Mock Trial team (middle and/or high school); must have at least two years of Mock Trial experience, must have participated in a Mock Trial competition sponsored by the SC Bar LRE Division; must have a minimum GPA of 2.5; must plan to attend a post-secondary institution such as a technical, two-year, or four-year college/university; and must submit a complete application to be eligible. Scholarships are an award of \$1,000 as non-designated funds and mailed directly to the recipients.

## **Scholarships – We the People**

**\$1,000**

Each year, high school seniors are selected as scholarship recipients. Students must have been a member of a *We the People* team (middle and/or high school); must have participated in *We the People* competition sponsored by the SC Bar LRE Division; must have a minimum GPA of 2.5; must plan to attend a post-secondary institution such as a technical, two-year, or four-year college/university; and must submit a complete application to be eligible. Scholarships are an award of \$1,000 as non-designated funds and mailed directly to the recipients.

## **LRE Middle and High Teacher of the Year:**

**\$500**

Each year, beginning in 2005, one middle school and one high school teacher are selected as the LRE Teacher of the Year chosen on the same criteria for LRE School of the Year. Applicants can be nominated or self-nominated. Each teacher receives an award of \$500 as non-designated funds. The plaque and check is presented at the school to the teacher.

## **LRE Citizen of the Year:**

Each year, a South Carolina citizen who has either been nominated or self-nominated is awarded with LRE Citizen of the Year Award. The recipient of this award is one who has fostered public understanding of the values of our legal and judicial system; stimulated a deeper sense of individual responsibility by helping students recognize their legal duties and rights; encouraged and supported effective LRE programs; and increased communication among students, educators, and those working in the legal system. The LRE Citizen of the Year receives a plaque presented at the place of employment.

## **LRE Lawyer of the Year:**

Each year, a member of the South Carolina Bar who has either been nominated or self-nominated is awarded with the honor of LRE Lawyer of the Year Award. Applicants can be nominated or self-nominated. The recipient of this award is one who has fostered public understanding of the values of our legal and judicial system; stimulated a deeper sense of individual responsibility by helping students recognize their legal duties and rights; encouraged and supported effective LRE programs; and increased communication among students, educators and those working in the legal system. The LRE Lawyer of the Year is recognized at the Board of Governors meeting in May in front of his or her peers.

### **Awards and Scholarships Schedule**

Applications Released – Available Now!  
Application Deadline – March 22, 2024 at noon

Award Letters – May 2024  
Presentation of Awards – May and June 2024

**Questions about scholarships and awards can be forwarded to Donald N. Lanier at [dlanier@scbar.org](mailto:dlanier@scbar.org) or call (803) 252-5139.**

**To download applications/nomination forms, visit the website at [www.scbar.org/lre](http://www.scbar.org/lre).**

# Bailiff Script

## Opening Court for Civil Case:

*“All Rise!! The Court of Common Pleas Seventeenth Judicial Circuit is now in session. The case for trial today is \_\_\_\_\_ v. \_\_\_\_\_. The Honorable \_\_\_\_\_ presiding.”*

## Opening Court for Civil Case:

*“All Rise!! The Court of General Sessions Seventeenth Judicial Circuit is now in session. The case for trial today is State of SC v. \_\_\_\_\_. The Honorable \_\_\_\_\_ presiding.”*

## Swearing in of Witnesses:

“Do you promise the testimony you are about to give will faithfully and truthfully conform to the facts and rules of the mock trial competition?”

A card (see below) will be given to the bailiff prior to the beginning of court with the presiding judge’s name on it.

**Opening Court:**  
“ALL RISE!! The Court of General Sessions  
Seventeenth Judicial Circuit is now in session.  
*The case for trial today is State of SC v. \_\_\_\_\_.*

**The Honorable**

**(Presiding Judge name inserted here.)**

is presiding.”

**Swearing in of Witness:**  
“Do you promise the testimony you are about to give  
will faithfully and truthfully conform to the facts and  
rules of the mock trial competition?”



# Code of Ethical Conduct Agreement Narrative

The South Carolina Bar possesses discretion to impose sanctions, up to and including forfeiture or disqualification, for any misconduct or violation of the Code of Ethical Conduct occurring while a team is present to participate at any of the Mock Trial competitions.

1. The Rules of the Competition and this Code of Ethical Conduct will be followed by all participants in the South Carolina Bar's Mock Trial Competitions. Coaches will discourage willful violations of the letter and the spirit of the Rules of this Code.
2. The use or possession of alcohol, drugs and weapons is forbidden at all competition sites and at all Mock Trial sponsored events.
3. Team members, coaches and other observers promise to participate in all events associated with the South Carolina Bar's Mock Trial competitions with the highest standards of professional behavior showing respect for their fellow team members, opponents, coaches, judging panel, staff, volunteers, and all other persons before, during, and after the competitions.
4. The South Carolina Bar's Mock Trial competitions are designed for teams to behave themselves as professionals in and out of the courtroom including social media. Team members, coaches and visitors must follow appropriate courtroom and courthouse decorum at all times, both inside and outside the courtroom.
5. Displays of bad sportsmanship at any time during the competition, including any additional Mock Trial events are prohibited. Whether winning or losing, team members, coaches and all visitors are expected to be gracious and supportive of other teams.
6. No team member, coach, or visitor associated with your team may view another team competing outside of your round.
7. It is expected that teams and their team members respect their surroundings; follow all published courthouse regulations; use appropriate receptacles for all trash; leave restrooms and all other court and common areas of all venues in good order; and, otherwise behave as young professionals.
8. All students listed on this form and the Team Roster Form (*turned in on competition day*) are registered at the same school registered or approved to compete at the school due to home schooling or district re-alignment.
9. All Mock Trial participants (students, teacher coaches, and attorney coaches) agree to the following Mock Trial Oath: I will maintain the respect and courtesy due to courts of justice, judicial officers, and those who assist them. To opposing parties, counsel, and witnesses, I pledge fairness, integrity, and civility, not only in court, but also in all written, oral, and social communications. I will employ for the purpose of maintaining the causes confided to me only such means as are consistent with trust and honor and the principles of professionalism, and will never seek to mislead an opposing party, the judge, or jury. And, I will maintain the dignity of the legal system and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged.
10. Teams should be cautious about their use of social media. If any student who is reported to the SC Bar for disparaging or taunting social media posts, that individual may be suspended from Mock Trial activities and jeopardize their team's participation. To report a social media issue, the lead teacher coach must email a photo or screen shot of the social media post in question to the State Mock Trial Coordinator.

**By signing my name digitally, I am indicating that I have read and understand the statements above and I will abide by the Rules of the Competition and this Code of Ethical Conduct throughout the duration of the Mock Trial competitions. I understand that a violation of this Code by any team member, coach, or visitor may result in sanctions including, but not limited to, the team's immediate elimination from the Mock Trial competitions and forfeiture of all fees and awards (if applicable).**



## Article Submission Form – (Back Page)

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**Trials / Trial Depiction:** Articles must describe actual courtroom presentations observed by the courtroom journalists on the competition day. Articles are written knowing the type of trial (civil or criminal) answering the questions who, what, where, when, and why. The articles are written as if the article is appearing in a newspaper referencing what happened in the trial and use of quotes with context. Articles are created and completed solely by the courtroom journalists without the help of any source or person. Laptops are not permitted in the competition venue. The courtroom journalists observe trials in which his/her school is competing at the regional level. The courtroom journalists sits in the gallery behind the bar in the first row. Once the trial begins, the courtroom journalists may not move about the courtroom. The courtroom journalists may work throughout the trial rounds and during breaks. The courtroom journalists may not communicate with any member of the Mock Trial teams or any visitors in the courtroom during the trials.

**Submission Specifications:** Courtroom journalists must supply their own materials. Courtroom journalists are responsible for ensuring their work area is left neat and orderly with all trash disposed in the appropriate trash receptacle.

Article entries must be submitted as a Word Document (no PDFs) sized for 8.5 x 11-inch paper, one-inch margins on all four sides, double spaced, 12-point Arial font, the student's name on the first line, the school name on the second line, and a centered title on the fourth line with narrative following beginning on line six. There is a limit of two pages.

Each courtroom journalist submits one article for judging. Articles are emailed by the school's Mock Trial lead teacher coach to the State Mock Trial Coordinator no later than 5:00 p.m. on the first Monday following the regional competition once the lead teacher coach confirms the piece is a good representation of his/her school's work. Articles received after 5:00 p.m. on the first Monday following the regional competition are disqualified.

**Judging Components:** The State Mock Trial Coordinator assigns each article a random number. The numbered articles are evaluated and scored anonymously by a judging team. Judges consist of attorneys, teachers, newspaper writers and editors, etc. with as many as 10+ judges.

Articles are judged on the following criteria: accuracy, clarity, objectivity, and style. Each component is worth up to five points. Penalties for grammar and spelling are deducted from the total score but may not exceed a penalty greater than ten points.

Articles are written from a journalist perspective as if observing a real trial and writing for a newspaper. Articles should not include team views on performances, opinions of judges, clothing, etc. See sample writing article on website.

The highest scored article is the state winner from the regional submissions statewide. The winner of the State High School Mock Trial Courtroom Journalist Competition is announced within two weeks following the regional competition on the SC Bar Web site at [www.scbar.org/lre](http://www.scbar.org/lre). The winner receives a certificate and a non-financial award presented in front of his/her peers at his/her school's awards day.

**Forwarding/Contact Information:**

Donald N. Lanier, Interim LRE Director, Phone: (803) 252-5139, [dlanier@scbar.org](mailto:dlanier@scbar.org)

**Release of Submission:** All submissions in the High School Mock Trial Courtroom Journalist Competition become the property of the South Carolina Bar and may be used by the Law Related Education Division for any purpose it deems appropriate, including but not limited to reproduction and dissemination.

**Improper Communication:** Courtroom journalists may not verbalize, wave, use hand gestures, or use any other means to get a student attorney's attention. Courtroom journalists may not communicate with any team members, coaches, timekeepers, sketch artists (HS), or visitors during the recess.

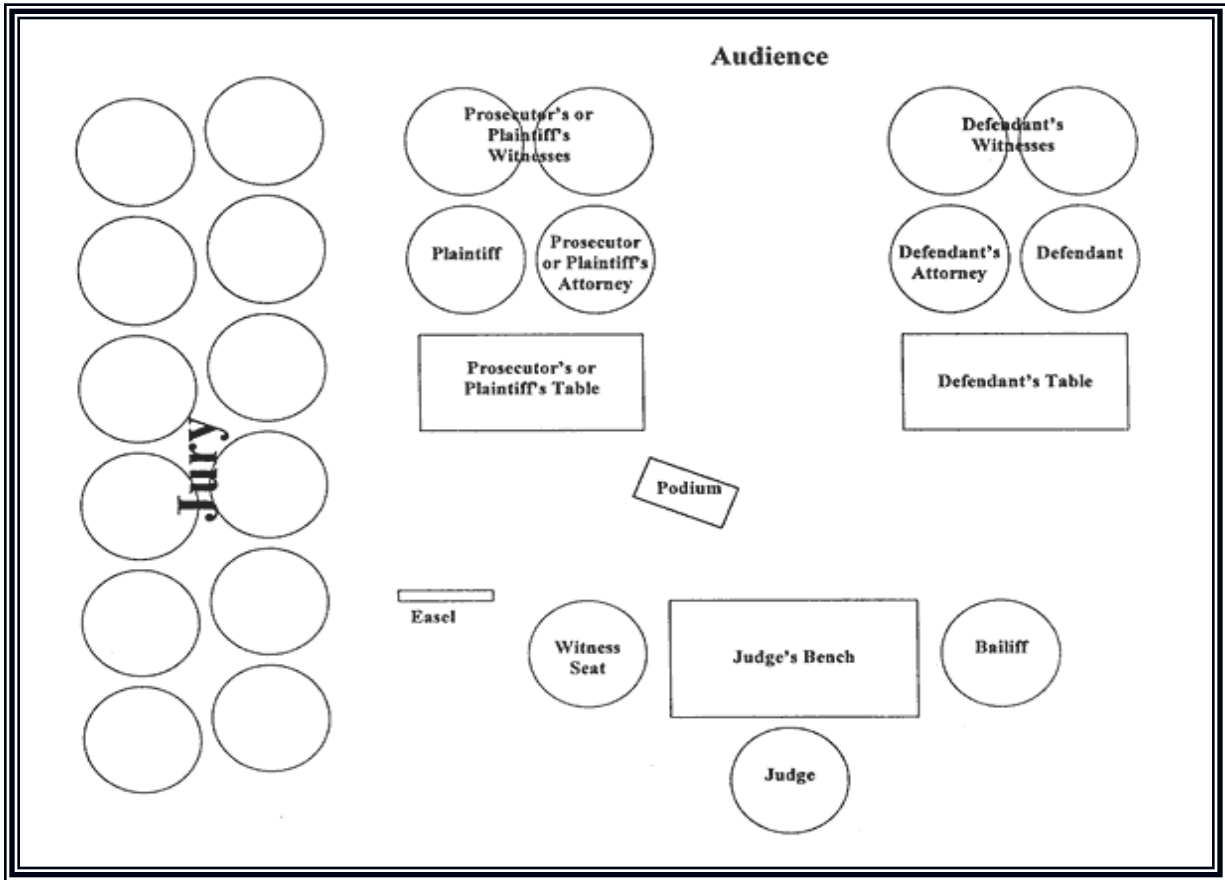
## **Courtroom Journalist Tips for Writing a Mock Trial News Article**

1. **Write a good headline.** A good headline draws the reader's attention. Your headline should be specific enough to let the reader know what your article is about by summing up the story in as few words as possible. The headline also needs to be accurate. You do not want your reader to feel misled or let down by the headline.
2. **Write from the third-person point of view.** The journalist should NOT be part of the article. You are not writing about yourself. Do not include your own thoughts, opinions, or analysis. A journalist tells a story objectively, presenting facts in a straightforward, unbiased way that allows the readers to decide for themselves what they think of the situation.
3. **Start your article with a strong lede.** Your article should have an opening that grabs the readers' attention and makes them want to read the rest. Journalists call this "the lede". The lede is a strong summary of events that hooks the reader from the start. The lede should contain essential information about the story by answering the five W's: who, what, where, when, and why. Try to answer these questions in the first one or two sentences of your article. For example: "At 4:00 p.m. yesterday, a Rockvale County jury awarded retired school teacher Alex Hite five million dollars in a harassment lawsuit against WBAD talk radio host Cam Porter, ending a highly publicized, seven-year legal battle that divided the community." The lede should tell the reader what the article is about but also encourage the reader to keep reading to learn more.
4. **Structure your article logically.** Present the information in order of importance. The most important information is summarized at the beginning. The body of the article should relay details in chronological order. The end should contain extra information that might be of interest, including any events that might unfold in the future: "An angry Porter left the courtroom vowing to appeal "all the way to the US Supreme Court, if necessary.""
5. **Keep your article simple, concise, and clear.** Use short, plain, direct sentences in subject-verb-object format. Use the active voice and not the passive voice, such as "Alex Hite wrote a complaint letter to WBAD's program director" not "A letter of complaint was written to WBAD's program director by Alex Hite." The active voice is more direct, is easier to read and understand, and often makes for shorter sentences.
6. **Report truthfully and accurately.** Make sure everything you say is true. This requires that you research your topic in advance. In reporting about a court case, this means reading the pleadings and other court filings before the trial. You must also take detailed notes during the trial so that you can accurately recall what transpired when it is time to write your article.

7. **Cite to sources.** If you are reporting a fact that is not confirmed or might be disputed, indicate where your information came from. For example: “According to the lawsuit, Hite was ridiculed by her co-workers after Porter mocked her repeatedly on his morning talk show. Hite claims she was forced to take early retirement as a result of mental stress at work attributed to Porter’s alleged campaign of harassment.” If you leave off the citations to the sources, your reporting will not be unbiased and balanced.
8. **Approach the topic seriously.** While court cases might be filled with dramatic moments, you should maintain a serious tone. Let the facts and quotes relay the drama of the events, rather than your writing style. Avoid injecting superfluous and sensational adjectives and adverbs. For example: “At one point, the judge threatened Hite’s attorney with contempt of court after she pointed at Porter during her cross-examination and shouted, “You, sir, are a liar!”” Instead of: “The jury watched in great surprise as Hite’s attorney aggressively approached a startled Porter and called him a liar right in the middle of his testimony! The judge got so mad, his face turned purple, and he angrily told the attorney that if she pulled a stunt like that again, he would throw her in jail!” A news article is not a novel.
9. **Use quotes.** Including quotes from people involved in the story provides different perspectives and helps you keep the story balanced. Using quotes also helps you stay in the role of an outside observer. In courtroom reporting, the best quotes come from the testimony of witnesses. Sometimes, an attorney’s “gotcha” question or the judge’s statement in ruling on a legal issue can bring the article to life. In a real courtroom and in Mock Trial, journalists are not allowed to record the trial without the permission of the judge. Good notetaking is essential because you do not want to misquote anyone. If you don’t catch the exact words, you can rephrase or paraphrase, just make sure it is an accurate representation of what the person said.
10. **Edit and proofread your work.** All writers must double-check spelling and edit their work for clarity and content. Read and re-read your article before turning it in. Try reading it out loud to yourself to make sure it makes sense. Correct spelling, grammar, and punctuation are essential for relaying a news story accurately, keeping the reader’s attention, and ensuring your credibility as a journalist. Proofread carefully to ensure you write in complete sentences; have subject-verb agreement; avoid run-on sentences; use apostrophes, commas, and capitalization appropriately; etc. Keep an eye out for homophones – words that sound alike but are spelled differently. An attorney is ‘counsel’ not ‘council’, for example. If you are not sure about a grammar rule, look it up in a style manual, such as *Elements of Style*, *Associated Press Stylebook*, or *Chicago Manual of Style*.

*This helpful guide was written by LRE Committee Member, Barbara M. Seymour.  
May 2022*

# COURTROOM LAYOUT



## NOTE:

The Prosecution/Plaintiff team sits on the same side as the jury box. In some courtrooms the jury box may be on the opposite side of the room, which in turn means side presentation change so that Prosecution/Plaintiff is next to the jury box.

HIGH SCHOOL MOCK TRIAL

**— Courtroom Sketch Artist Competition —**  
**SKETCH SUBMISSION FORM**

(A form must be completed and submitted at the same time as the school information sheet.)

There is a maximum of one entry per artist.

**Courtroom Sketch Artist's Information:**

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone Number: (        ) \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_  
Local Newspaper(s): \_\_\_\_\_

**School Information:**

School Name: \_\_\_\_\_  
Teacher's Name: \_\_\_\_\_  
Phone Number: (        ) \_\_\_\_\_  
E-Mail Address: \_\_\_\_\_  
School's Awards  
Presentation Date: \_\_\_\_\_

**ACKNOWLEDGEMENT**

I attest that the attached sketch was created in conformity with the Rules of the SC Bar's High School Mock Trial Courtroom Sketch Artist Competition. The attached sketch depicts actual courtroom scenes observed by me on the day of competition. The attached sketch was created and completed entirely on the day of competition solely by me without the help of any source or person.

I understand that my sketch being submitted for judging in the SC Bar's High School Mock Trial Courtroom Sketch Artist Competition becomes the property of the South Carolina Bar and may be used by the Law Related Education Division for any purpose it deems appropriate, including but not limited to reproduction and dissemination.

I also attest that I did not share what was witnessed in a round with anyone during or after the round during the competition day(s).

\_\_\_\_\_  
Date

\_\_\_\_\_  
Artist Signature

----- LRE STAFF USE ONLY -----

**SKETCH NUMBER:** \_\_\_\_\_

## **Courtroom Artist Tips for Sketching a Mock Trial Scene**

1. **Drawing Drama from Life.** Remember when sitting in the courtroom as the sketch artist, that you are in the room in place of a camera. Think about what a camera would capture in the room. Picture the drama that a camera would focus in on; the setting; the view from your perspective of where you are sitting; who are the people in the courtroom and not necessarily the detail in the courtroom; capturing their movement and emotions by showing gestures and the energy in the emotions capturing the human story; the time of day with lightness and/or shadows; the integrity of the sketch showing the truth of the moment and not an exaggerated sketch or different colors of clothing than what is exactly witnessed; and lastly include, professionalism in the quality of work being sketched.
2. **Consider the Seven Principles of Art:** The seven principles of art include balance, contrast, emphasis, movement, pattern, rhythm and unity/variety. When sketching, consider the balance between the darks and lights and the movement it shows. Consider portraying characters sitting at different angles. Show where the eyes are looking and what the hands are doing.
3. **Establish varying Line Weights.** Think outside the box. Consider sketching a flower. The base of the stem supports the flower, so the stem should be heavier lines than the flower itself. Now look at the wrinkles in the petals within the flower. Those wrinkles might be conveyed with the lightest of lines to show delicacy and slight movement. Take this same context when sketching. Lines can show movement and lines separate the picture from the background. The picture would be the positive shape and the background would be the negative shape. Use the darker and heavier lines on where you want the observer's eye to draw their focus to see the shape and emotions/energy expressed the most. This can be done by developing texture and value.
4. **Find Value in Shapes.** A shape is defined as a two-dimensional area that is flat but describes length and width. The shapes can be geometric or organic and can be positive or negative. Practice sketching any picture by breaking it down into shapes. Learning shapes is the key to drawing faces. Don't fight the idea of how hard it is to draw a face, but look at the different shapes that make the entire picture. A great artist to study on how to sketch figures is by Burne Hogarth, "Dynamic Anatomy – Revised and Expanded."
5. **Use Color.** It is important to understand four components of color. **Hue** is what the color is like yellow, red, blue, etc. **Value** is how light or dark a color is. **Intensity** is how bright or dull the color is and can be termed as high intensity (bright) or low intensity (dull). The color that comes out of a paint tube is the brightest the color will ever be. And, **temperature** is how warm or cool the color is. The warm colors are your reds, yellows and oranges – your "fire" colors. And the cool colors are the greens and blues. Some colors can be used to frame a subject, light white shadows around a subject draws your eyes to the person sketched. You can also blur colors in the background, while the bigger more pronounced colors are in the forefront setting the mood and focus.



6. **Use Value.** Ask yourself... how light or dark is the scene I am looking at to sketch. The push and pull of value can create depth, separation, contrast, emphasis, definition and emotion. The dark colors in the suits may show how serious the situation is. The courtroom setting/background is minimal so the focus is on the characters sketched. Sketching light and dark next to one another can help differentiate different subjects next to one another.
7. **Consider Form.** The courtroom sketch artist can study and practice form using weight, height, depth and those forms can be geometric or organic. Consider drawing a ball. Look at how the light reflects on the ball and that spot is the lightest spot on the ball. Now look where the ball is closest to the floor or table. It has less light, so that side is darker and the shape of the darkness is almost like a crescent moon. Look at the shadow off to the side of the ball cast on the floor or table. This shows you that light reacts different with objects and is communicated in your sketching. Practice drawing a sphere or ball to better understand how light interacts with creating different values of color all while using one color. Go online and pick a sphere to draw. Or, look at a baseball or a tomato on a table with a spot light off to one side and draw how it looks with the attempt for the object to appear as if popping off the paper. Even better, practice this with a stipel technique and it slows down the mind, eyes, and hand allowing all three to work together to record what is being drawn. Doing this will build confidence and your skill level in the courtroom.
8. **Incorporate Texture.** When sketching an object take into consideration how an object feels or looks like it feels. Is it smooth, rough, polished, dull, etc.? Is the skin of a younger or older man? Is there texture in the hair you see?
9. **Visualize Space in Courtroom.** There are two types of space – positive and negative. The positive is the object of interest. The negative space is between the objects – i.e. the background is white drawing your eyes to the object. Consider overlapping objects allows different figures to come forward if in front of one another, the size of objects with smaller figures appearing further away, their placement with figures lower on the paper seem closer than figures higher on the page, details draws the viewer's eye closer, color and value demand attention and perspective is what the sketcher sees at eye level (no higher, no lower and no more to the right and left).
10. **Practice.** Practice drawing every day. Learn how shapes make a picture. Learn values in colors and practice incorporating drama into the subjects being sketched. Establish light, dimension and use of color to draw focus on the subjects. Remember your perspectives of what you see and add no more. Be real with the images drawn. You are the eyes for everyone not in the courtroom. They want to see the drama, the intensity, the emotions, the movement and overall feeling in the room.

*This helpful guide was written by Cynthia H. Cothran after attending a virtual Courtroom Sketching Session by Kendall College of Art & Design's Associate Professor, Nancy Hart. May 2022*

## IMPEACHMENT SAMPLE

There are a number of ways to “impeach” or attack a witness’s credibility. For example, an attorney may ask questions to show that the witness is unreliable (e.g., the witness’s memory is vague as to important details, the witness was far away from the action, it was dark, etc.), or that the witness is biased (e.g., the witness previously expressed negative or positive feelings concerning the person about whom s/he is testifying). An attorney may also point out prior statements the witness made that are inconsistent with the testimony given from the stand (“prior inconsistent statements”), or statements that the witness omitted either from his/her affidavit or from his/her testimony on the stand (“omissions”).

When impeaching a witness based on prior inconsistent statements, it is important to keep in mind the reason for doing so. Are you trying to show that a prior statement was correct and the statement from the stand is not? Or are you simply trying to show that the witness makes inconsistent statements and his/her testimony as a whole should not be believed? The goal may dictate your line of questioning.

Following is an example of impeaching a witness based on a prior inconsistent statement:

Q: You just said you saw Mr. Jones outside the store on the day of the incident. Is that right?

A: Yes.

Q: Are you sure you saw him?

[Note: Sometimes it is good to give the witness a chance to waffle and change his/her answer. It gets the point across without having to formally impeach, which takes more time and can be cumbersome. If the witness backtracks and says maybe s/he did not see Mr. Jones, you can toy with them a little about whether they saw Mr. Jones or not, e.g. “Okay, now you did not see him. Are you sure this time?” If the witness does not back off the inconsistent statement and says yes, s/he saw Mr. Jones, continue:]

Q: Do you recall giving a sworn affidavit in this case?

A: Yes.

Q: Do you have the affidavit in front of you?

A: Yes.

Q: Is this the affidavit you previously gave in this case?

A: Yes.

Q: This is your sworn statement given under oath, correct?

A: Yes.

Q: And, that is your signature on the last page?

A: Yes.

Q: I would like to turn your attention to page \_\_, lines \_\_. Please read quietly along while I read aloud. You stated, “I did not see anyone outside the store.” Did I read that correctly?

A: Yes.

[Note: Depending on the witness, the facts, and what you are trying to accomplish, you can stop here, with the last statement being that the witness did not see anyone outside the store. Alternatively, you may press forward at your own risk to try to get the witness to admit they did not see Mr. Jones outside the store (if that is what you are trying to accomplish) or that the two statements are inconsistent (if that is your goal). Be careful not to give the witness an opportunity to reconcile the inconsistent statements (for example, the witness may say something like “That statement was referring to later in the day, after the incident had occurred.”)]

# FORMS AVAILABLE ON-LINE

All forms needed to participate in the Middle or High School Mock Trial are available in this document and at the following Web site:

[www.scbar.org/lre](http://www.scbar.org/lre)

Visit [www.scbar.org/lre](http://www.scbar.org/lre) and click on the Middle or High School Mock Trial logo. Scroll down to the bottom of the screen and click on "Forms."

## Forms Include:

- [Bailiff Script](#)
- [Code of Ethical Conduct / Individual Talent Release](#)
- [Courtroom Artist Submission Form](#)
- [Courtroom Journalist Submission Form](#)
- [Professionalism and Civility Award](#)
- [School Information Sheet](#)
- [Scoresheet \(Sample for Practicing\)](#)
- [Scoring Guide](#)
- [Teacher Time Tracking Form](#)
- [Team Drop Form](#)
- [Timekeeper Record Form](#)
- [Completed Timekeeper Record Form Sample](#)
- [Timekeepers' Guide to Success](#)
- [Timekeeper Card Samples for Downloading](#)
  - [Opening / Closing Timecards](#) (5 minutes)
  - [Direct Examination Timecards](#) (25 minutes)
  - [Cross Examination Timecards](#) (20 minutes)

# MOST EFFECTIVE NOMINATIONS BY TEAMS

(Rule 4.16)

## INFORMATION / DIRECTIONS

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### Directions:

1. After each trial, the presiding judge gives each team an opportunity to discuss nominations to award the most effective witness and most effective attorney from the opposing team.
2. Each team has up to one minute to determine the recipients.
3. Prior to leaving the courtroom, each team announces the recipients, and the Presiding Judge records the nominations from both teams.
4. The most effective awards are mailed to the lead teacher coach after the competition.
5. These peer nominations made by the teams do not replace the most effective awards the scoring judges also determine, which are announced at the closing assembly.

## OBJECTION SAMPLE

### Sample Script for Objecting:

- A student attorney may object at any time to challenge a piece of evidence that goes against the Mock Trial Rules of Evidence.
- The student attorney wishing to make the objection shall stand, if able, state “Objection, Your Honor” in order to stop the testimony and gain attention.
- Then the student attorney states, “*Objection, your Honor. Relevance.*”
- The presiding judge asks based on what.
- Then the objecting attorney states, “Relevance, your Honor. *The question about ABC is not relevant because we are here today to determine XYZ and ABC is not relevant to that.*”

Attorneys may not make speaking objections or provide explanation all in one statement when first making the objection. *Example of a speaking objection not permitted, “Objection, your Honor. The question about ABC is not relevant because we are here today to determine XYZ and ABC is not relevant to that.”*

- The opposing attorney is asked to respond and defend why the question is proper or the evidence is admissible.
- There is no further argument on that objection by either side unless requested by the presiding judge.
- The presiding judge then rules.

The presiding judge then decides whether the objection is “Overruled” or “Sustained.” If an objection is overruled (thereby allowing the question to be answered or the answer to remain in the trial record), the objecting student attorney cannot “Move to Strike” the evidence from the record. If an objection is sustained (thereby disallowing the question or the answer), the objecting student attorney should “Move to Strike” as a way to remove harmful testimony from the record. (See Rule 4.7 (A) Motions.)

**REMEMBER:** Winning or losing the ruling on an objection is not what is important, but rather how knowledgeable of the Rules of Evidence the team is and how each team reacts to the decisions of the presiding judge. What is important is the presentation of the objection and the opponent’s response (both verbally and strategically) to the objection and to the Court’s ruling.

Only the student attorney “responsible” for the particular witness may object. For instance, the student attorney who directly examines a witness objects when that witness is being cross-examined, and the student attorney who crosses a witness objects when that witness is being directly examined.

Following are examples of standard forms of objection:

1. **IRRELEVANT EVIDENCE**
2. **LEADING QUESTION**

(NOTE: Remember that an attorney may ask leading questions when cross-examining the opponent’s witnesses.)

3. **IMPROPER CHARACTER TESTIMONY**
4. **HEARSAY**

(NOTE: If the witness makes a hearsay statement, the attorney shall say, “The witness’ answer is based on hearsay, and I ask that the statement be stricken from the record.”) In responding to a hearsay objection, it may be appropriate for counsel to point out a specific exception, or to argue that the hearsay rule does not apply: “Your Honor, the testimony is not offered to prove the truth of the matter asserted, but only to show. . . .”

5. **OPINION**

Time Violations Penalty Form

Competition Location:

- Charleston Georgetown Lexington Sumter
Columbia Greenville Lex. - Summary York
Conway Lancaster Lex. - Westbrook STATE

P v. D
[ ] [ ]

Round: 1 2 3 4 5

COMPLETED BY PRESIDING JUDGE

Instructions for Presiding Judge: At the end of the round, collect the signed timesheets from the timekeepers. If there were any time violations reported during the trial and recorded on the presiding judge tip sheet, transfer the overages to this portion of the form. If no violations, check the "no time violation box" below, sign this form, and proceed to the scoring room to obtain signatures from the scoring judges.

Table P: TIME OVERAGE, MAX. TIME, CHECK IF EXTENSION GRANTED. Rows: Opening (5:00), Direct (25:00), Cross (20:00), Closing (5:00).

Table D: TIME OVERAGE, MAX. TIME, CHECK IF EXTENSION GRANTED. Rows: Opening (5:00), Cross (20:00), Direct (25:00), Closing (5:00).

DECISION OF PRESIDING JUDGE
Time Overage #1:
Time Overage:
Penalty Range:
Time Overage #2:
Time Overage:
Penalty Range:
No time violation occurred.

DECISION OF PRESIDING JUDGE
Time Overage #1:
Time Overage:
Penalty Range:
Time Overage #2:
Time Overage:
Penalty Range:
No time violation occurred.

SCORING PENALTIES (Rules 4.5, 4.6 and 6.2)

Table: Time Overages and Penalties vs Penalty Range. Rows: 1 to 15 seconds (0 points), 16 to 30 seconds (1-2 points), 31 to 60 seconds (3-4 points), Over 60 seconds (5-10 points), Time runs Out on Direct/Cross of third Witness (10 points).

Each time overage is treated independently

\*\* The presiding judge and scoring judges certify any penalty is to be entered in the Penalty Box in accordance with the rulings of the presiding judge. Each judges must PRINT their name before submitting the form. \*\*

Presiding Judge - Printed ( ) Presiding Judge - Cell Phone Number

\*\* STOP - If no time overages, only the presiding judge has to print name.

Scoring Judge #1 - Printed

Scoring Judge #2 - Printed

Scoring Judge #3 - Printed

# Time Violations Penalty Form – (Back Page)

## 4.5 Timekeeping

Time limits are mandatory and enforced. The Prosecution/Plaintiff timekeeper is the official timekeeper of the two timekeepers provided between the two teams competing in a trial. Presiding judges have the discretion to deal with any timekeeping issues and make final rulings. Timekeepers are responsible for fairly and accurately keeping and reporting the time during the trial presentation.

**A. Timekeeper:** Each team is required to provide a student who serves as the official timekeeper for that team. The Prosecution / Plaintiff timekeeper is the official timekeeper for that round, unless the presiding judge and scoring judges agree witnessing the lead timekeeper having difficulty in keeping time. The name of the timekeeper shall be noted on the Team Roster Form. A different timekeeper may be used for each round. An attorney or witness may also serve as timekeeper as long as they are not serving in another capacity during that particular trial. The bailiff may also serve as a timekeeper simultaneously.

If a team does not provide a timekeeper, the team is subject to penalties for misallocation of duties pursuant to this rule, Rule 3.2 Team Composition and Allocation of Duties, Rule 5.4 Completion of Scoresheets, and Rule 6.3 Scoring Penalties with a mandatory 8 point penalty per scoring judge. It is highly recommended that the performing timekeeper watch the timekeeper training available in the video resources section and practice while the attorneys practice direct and crosses.

### B. Aids for Timekeeping:

The SC Bar provides the following items on competition day:

- **Timesheets:** Timesheets will be laminated and provided in the team's red registration bag along with a dry erase pen and Kleenex. Timekeepers must sign timesheets. If there are time overages, the lead teacher coach takes a picture of the laminated timesheet and sends as directed for competition day. The lead teacher coach wipes the timesheet clean for use in subsequent rounds and repeats the process for each round. Laminated timesheets are turned back in at the end of the competition in registration bag.

Teams need to bring the following:

- **3 Sets of Timecards:** The three sets are for the opening/closings, direct examinations and cross-examinations. Timekeepers may only use the official timecards provided by the SC Bar and no others. The timecards are provided in specific increments and noted accordingly. Modification of intervals is not permitted. Note that the timecards start in an ascending order (lowest to highest) and build to the maximum number of minutes in that section. In addition, as the timecards begin to reach the last minute allowed in that phase, the timecards change from white to yellow, and the last card is in red showing the maximum amount of time and "STOP."
  - **Opening/Closing Timecards:** The timecards are as follows: 1:00, 2:00, 3:00, 4:00, 4:15, 4:30, 4:45, 5:00/STOP.
  - **Direct Examination Timecards:** The timecards are as follows: 2:00, 4:00, 6:00, 8:00, 10:00, 12:00, 14:00, 16:00, 18:00, 20:00, 21:00, 22:00, 23:00, 24:00, 24:15, 24:30, 24:45, 25:00/STOP.
  - **Cross-Examination Timecards:** The timecards are as follows: 2:00, 4:00, 6:00, 8:00, 10:00, 12:00, 14:00, 16:00, 18:00, 19:00, 19:15, 19:30, 19:45, 20:00/STOP.
- **Two Stopwatches:** One stopwatch is to track time for the Prosecution/Plaintiff side and one stopwatch is to track Defense. Cell phones may not be used as stopwatches.

**C. Placement of Timekeepers:** Timekeepers from both teams must be seated together and may not move from the SC Bar's assigned location unless teams address any concerns with the judge prior to the round starting and space is available for the change. The assigned seating location is in the front row of the jury box furthest from the witness stand so that scoring judges can be closest to the witness stand. Timekeepers are to remain seated during the trial.

**D. Communication:** Timekeepers may communicate with their competing team members only during the dispute process or when directed by the presiding judge. For virtual competitions, the designated team's timekeeper posts time used in the chat feature.

**E. Improper Communication:** Timekeepers may not verbalize, wave the timecards, use hand gestures, or use any other means to get an attorney's attention other than raising the SC Bar timecards quietly. Timekeepers may not communicate with any team members, coaches, courtroom artists (HS), courtroom journalists (HS), or visitors during the recesses, unless approved by the presiding judge. For a virtual competition, timekeepers may only type "STOP" in the chat feature when time expires and may not type stop reminders in the chat feature.

**F. Conferring Times / Reporting Overages:** At the end of each phase of the trial (e.g., after both opening statements, at the end of each case in chief (direct and cross), and at the end of the closing arguments), timekeepers record and confer with one another on the total amount of time used by both sides. A time discrepancy is reported to the presiding judge when the timekeepers do not have the same times (hence discrepancy) and if the times are more than 15 seconds. Up to 15 seconds in different times is permitted to allow for the variances in stopping and starting a stop watch. If a student performed over the allotted time by more than 15 seconds, that is an overage and the presiding judge is immediately notified. The presiding judge rules on the overage immediately. After the ruling, the timekeepers clear their stopwatches for the next trial segment to begin. The decisions of the presiding judge in regards to resolving overages are final. For a virtual competition, one difference is that timekeepers confirm via the chat feature. Second, timekeepers post the time used for both teams after each witness and again at the end of each phase.

**G. Timing:** Timing begins for each trial phase when the first word during that phase is spoken by the student attorney or at the direction of the presiding judge. Time stops when the last word is spoken by the student attorney. In a case in chief, there are three witnesses and each witness will have a direct and cross-examination. When timekeeping, there are two stopwatches and two sets of timecards. One stopwatch records the direct while using the direct examination timecards. When the timing of the direct examination stops, the stopwatch also stops. Then, pick up the second stopwatch and the cross-examination timecards and time the cross-examination. If there is a re-direct or re-cross, the timekeeper picks up the appropriate stopwatch and timecards. This process is repeated for the two remaining witnesses. Once the case in chief is done with all three witnesses is when timekeepers will confer times. Time only stops for objections, questioning from the presiding judge, or administering the oath. Time does not stop for the introduction of exhibits, retrieving exhibits, re-organizing exhibits, or for student attorneys to confer with co-counsel. Timing is not held off for retrieval of exhibits prior to starting. The presiding judge has the discretion to stop the clock for any reason. Stopwatches continue timing as long as an attorney or witness is speaking even if the "STOP" card is reached, so that overages are documented. Stopwatches are cleared after each phase (opening, the case in chief for each side, and closing).

**H. Displaying Timecards:** Timekeepers do not have to hold timecards up the entire time. Timekeepers should hold timecards up for a few seconds until the student attorney speaking and the presiding judge have seen the updated timecards and then lower the cards. Otherwise, the student attorney looking at the timecards may be misled that the timecards was just flipped and have more time verses actual time.

**I. Emergency for Timekeepers:** In the event a timekeeper has an emergency in the courtroom or in the virtual courtroom, that team shall defer to its opponent's timekeeper for that trial segment. The team whose timekeeper had to leave or lost connection may substitute another timekeeper under Rule 4.5 A-Timekeeper for the remaining trial segments. The timekeepers shall confer consistent with Rule 4.5 F – Conferring Time / Reporting Overages or Discrepancies regarding time used at the beginning of each trial segment.

**J. Additional Responsibilities:** Additional timekeeping responsibilities include timing the first five minute recess, the second recess up to two minutes, the first team consultation time up to two minutes in-person and three minutes virtually, the second team consultation time up to two minutes, the peer award discussion up to two minutes, and the presiding judges' critique up to one minute.]

## 4.6 Time Limits: The time limits for the phases of the trial are noted on the front page.

**A. Time Allotments:** Attorneys are not required to use the entire time allotted to each phase of the trial. Time remaining in one phase of the trial may not be transferred to another portion of the trial.

**B. Inquiring About Time:** The student attorney currently performing in that phase of the trial is allowed to ask the presiding judge for permission to inquire from the timekeeper how much time has been used or is left in that timed phase.

**C. Time Extensions:** The presiding judge has sole discretion to grant time extensions. Such extensions should be granted sparingly and should be limited in duration to include finish a question, answer, or thought. The student attorney may request the presiding judge's permission for a time extension up to 30 seconds to conclude the presentation only after the allotted time is used. If such an extension is granted, no penalty shall be assessed unless the extension is exceeded. If time has expired and a student attorney continues without permission from the presiding judge, the scoring judges shall impose a penalty in accordance with the rules.

**D. Calling Last Witness When Time Expired:** Direct Examination: Teams must call their third witness even if the team runs out of time. In that event, the team will be allocated up to three minutes for direct examination of its third witness and the team receives a penalty of ten points per scoresheet. Cross-Examination: Teams must cross-examine the third witness even if the team runs out of time. In that event, the team will be allocated up to three minutes for cross-examination of the third witness and the team receives a penalty of ten points per scoresheet.

**E. Time Penalties:** If a team has two or more time penalties in different phases of the trial, each overage is treated independently.

## Roster Completed a week prior to the Competition.

These three completed forms (**Prosecution/Plaintiff Roster, Defense Roster, and Team member Form**) combine to constitute your **Official Team**. The forms must be completed by the **Due Date, with no exceptions**.

### Directions for completion:

#### Prosecution/Plaintiff (P) Roster:

1. Dropdown box for the Gender for each of the Students on both Rosters - M, F, or X;
2. Opening Statement Attorney's Name;
3. Prosecution/Plaintiff Case-In-Chief
4. Select the first witness called from the dropdown box;
5. Enter 1st Witness - Student Name;
6. Direct Attorney's name for 1st Witness;
7. Select the second witness called from the dropdown box;
8. Enter 2nd Witness - Student Name;
9. Direct Attorney's name for 2nd Witness
10. Select the third witness called from the dropdown box;
11. Enter 3rd Witness - Student Name;
12. Direct Attorney's name for 3rd Witness;
13. In the white area:
  - a. Crossing Attorney for the listed Defense Witness;
  - b. Crossing Attorney for the listed Defense Witness;
  - c. Crossing Attorney for the listed Defense Witness;
14. Closing Argument's Attorney Name;

**Defense (D) Roster:** Repeat steps above starting with Opening Statement, Crossing Attorneys for the Prosecution/Plaintiff Witnesses in Pink; then proceed to the Defense Case-In-Chief.

**Team Member Form:** Enter remaining team members' names that are NOT on a Roster.

The SC Bar will provide 24 sets of P and D Rosters in a red folder in your red registration bag. You will also receive a clipboard, erasable pen and scotch tape. In each round, a designated person(s) from each team will work with a representative(s) from the opposing team upon entering the courtroom. This representative can be a teacher, attorney coach or student(s).

### Procedure in the Courtroom:

- Know the side performance for the round: Prosecution/Plaintiff (P) or Defense (D).
- Retrieve 8 sheets of your side performance Rosters in Red folder in registration bag.
- Prosecution/Plaintiff (8 ½ x 11) sheets - designated with Pink areas.
- Defense (5 1/4 x 11) sheets - designated in WHITE areas.
- Tape the P and D forms together. Take the D sheet and place on the P Sheet and tape.
- Once tapped together you will have 8 completed sets.
- Each team will have the order of their Witnesses to be called on each side. 1-3.
- Start with the Dense Roster and number the order of P witnesses in order called to show Defense Crossing Attorneys names. Example: If they are calling Jody first, place a #1, Sandy second, place #2, Fischer third, place # 3. You will number P witnesses on the Defense Roster's as order 1-2-3. The order to be called.
- Number the D Witnesses on the Prosecution/Plaintiff Roster as seen on the Defense Roster.
- The 8 forms will be distributed to the Presiding Judge, 3 Scoring Judges, one on each counsel table and one to each lead teacher.

### Special Notes:

- The pen is erasable for any corrections you may have.
- Pulling tape off will take some of the paper off with it.
- If you make a mistake, you have extra sets.
- Please return the pen, clipboard, and tape in the red bag at the end of the day.



PLAINTIFF ROSTER	
Enter Student Names	TEAM CODE AB
<b>OPENING STATEMENT</b>	<b>SCORE</b>
F ▾ (P) Attorney: Emily Sun	<input type="checkbox"/>
<b>PROSECUTION CASE-IN-CHIEF</b>	
(P) 1st Witness: Jo Harrelson ▾	
M ▾ (P) Witness: Jason James	<input type="checkbox"/>
F ▾ (P) Direct Atty: Madison Sweeny	<input type="checkbox"/>
(P) 2nd Witness: Sandy Kay ▾	
M ▾ (P) Witness: Chris Putnam	<input type="checkbox"/>
F ▾ (P) Direct Atty: Emily Sun	<input type="checkbox"/>
(P) 3rd Witness: Fisher Street ▾	
F ▾ (P) Witness: Debra Salley	<input type="checkbox"/>
F ▾ (P) Direct Atty: Beth Rissan	<input type="checkbox"/>
<b>PROSECUTION CROSS OF DEFENSE IN WITNESS ORDER</b>	
(D) # __ Lake Gambell	<input type="checkbox"/>
F ▾ (P) Cross Atty: Madison Sweeny	
(D) # __ Shell Alonso	<input type="checkbox"/>
F ▾ (P) Cross Atty: Emily Sun	
(D) # __ River Lynch	<input type="checkbox"/>
F ▾ (P) Cross Atty: Beth Rissan	
<b>CLOSING ARGUMENT</b>	
F ▾ (P) Attorney: Madison Sweeny	<input type="checkbox"/>
Overall Team Performance	<input type="checkbox"/>
Penalties, if any.	<input type="checkbox"/>

**COMPLETED SAMPLE**

DEFENSE ROSTER	
Enter Student Names	TEAM CODE AB
OPENING STATEMENT	SCORE
M ▾ (D) Attorney: James Booth	<input type="checkbox"/>
DEFENSE CROSS OF PROSECUTION IN WITNESS ORDER	
(P) # ___ Jo Harrelson M ▾ (D) Cross Atty: Amy Waters	<input type="checkbox"/>
(P) # ___ Sandy Kay M ▾ (D) Cross Atty: James Booth	<input type="checkbox"/>
(P) # ___ Fisher Street F ▾ (D) Cross Atty: Wendy Atwater	<input type="checkbox"/>
DEFENSE CASE-IN-CHIEF	
(D) 1st Witness Lake Gambrell ▾	
M ▾ (D) Witness: Bill Jones	<input type="checkbox"/>
M ▾ (D) Direct Atty: James Booth	<input type="checkbox"/>
(D) 2nd Witness Shell Alonso ▾	
F ▾ (D) Witness: Vicki Phillips	<input type="checkbox"/>
F ▾ (D) Direct Atty: Wendy Atwater	<input type="checkbox"/>
(D) 3rd Witness River Lynch ▾	
M ▾ (D) Witness: Carl Mauldin	<input type="checkbox"/>
M ▾ (D) Direct Atty: Amy Waters	<input type="checkbox"/>
CLOSING ARGUMENT	
M ▾ (D) Attorney: Amy Waters	<input type="checkbox"/>
Overall Team Performance <input type="checkbox"/>	Penalties, if any. <input type="checkbox"/>

**COMPLETED SAMPLE**

ADDITIONAL TEAM MEMBER FORM		TEAM CODE <b>AB</b>	
Lead Teacher:		ALTERNATES: Students Names NOT on a Roster	
1.		1.	Joseph Able
Additional Teachers:		2.	Melissa Cotter
1.	Jason Thomason	3.	Ashley Greene
2.	Whit Parker	4.	Mark Miller
3.		5.	George Steiner
4.		6.	Asha Vonz
5.		7.	
Attorney Coaches:		8.	
1.	Jamarr Campbell	9.	
2.	Eliza H. Smiley	10.	
3.		11.	
4.		12.	
Timekeeper:		13.	
1.	Lakevia West	14.	
2.		15.	
Bailiff:		16.	
1.	Jari Eiler	17.	
2.	Matthew Whiles	18.	
Enter team members not attending the Regional competition but would be available to compete if the team advances to the State competition. Each student must be listed to qualify for the State competition.			
1.	Ava Hernandez	High School Only	
2.		Artist:	
3.		1.	
4.		2.	
5.			
6.		Journalist:	
7.		1.	
8.		2.	
9.			
10.			

Completed Sample

# PROFESSIONALISM AND CIVILITY AWARD

(Rule 4.17)

## INFORMATION / DIRECTIONS

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1. The qualities that teams nominated for the award must demonstrate inside and outside the courtroom include: a professional demeanor, civility, integrity, honesty, fair play, respect for the competition, respect for fellow competitors, respect for volunteers and all associated with the program throughout the competition, and respect for courthouse staff and their facilities.
2. During the competition, teams and their coaches will observe other participating teams while using a subjective process. Teams will nominate another team considered for the Professionalism and Civility Award. Teams may consider the behavior of students, coaches, and spectators associated with other teams when making a nomination for this award.
3. Teams may not campaign for this award.
4. Teams will receive a nomination ballot link in their on-site registration materials.
5. Teams will be asked after the third round to complete and submit one nomination ballot electronically, which includes nominating a second team in the event a tie breaker is needed. All ballots are due before a team leaves the third round on Saturday. Do not exit the courtroom before submitting the nomination ballot. For questions regarding this award, contact the SC Bar staff **BEFORE** the regional or state competition.
6. When discussing this award with students, it is hoped that coaches will emphasize the importance of professional behavior inside and outside the courtroom throughout the competition. The discussion of this award will provide you with an excellent opportunity to review the Code of Ethical Conduct and the Rules of the Competition that deal with ethics and decorum. Discussions about this award will provide coaches the opportunity to discuss the high standards of professionalism attorneys are held to as members of the Bar.
7. Each team must digitally submit one team ballot nominating another team for the Professionalism and Civility Award, which includes nominating a second team in the event a tie breaker is needed. A team may not nominate itself. A team may nominate another team that they competed against in one of their rounds, or not, as it sees fit. The SC Bar will not recommend a particular process by which each team determines their nomination, but suggests that coaches take student input into account when completing the nomination ballot. How a team reaches the decision to nominate another team for this award is completely within the purview of that team.

## Quick Start: Nuts and Bolts

### **What is Mock Trial?**

Mock Trial is a pretend case performed by middle school or high school students playing roles of witnesses and attorneys.

### **How many students are on a team?**

A team has 6 to 17 students but could have more as alternates.

### **What do I do first?**

Promote Mock Trial, recruit students, audition students, [register a middle school team](#) or [register a high school team](#), obtain administration support, obtain additional coaches, attend the September Mock Trial training or watch [free training videos online](#). New coaches may also coordinate with the State Mock Trial Coordinator to observe a competition.

### **What do I do next?**

Set practice schedule, schedule the [middle school competition dates](#) or the [high school competition dates](#), and secure a practice room.

### **How often do teams practice?**

Practice at least once a week.

### **What are the costs associated with Mock Trial?**

The registration fee is \$225, snacks for practices, travel / bus to competitions (if needed), copies of cases if students do not independently print their own copies.

### **Any suggestions on fundraising?**

Selling candy or other products, car washes, school funds, charge each student a club fee, garage sales, or obtain local county bar support.

### **How is an audition done?**

Give students a current or prior [Middle School Mock Trial Case](#) or [High School Mock Trial Case](#) and have students prepare as attorneys and witnesses.

### **What rules are there?**

There is a [competition handbook with competition rules and rules of evidence](#) that all teams must follow.

### **What paperwork is required by the SC Bar?**

The Team Registration Form which also includes the Authorization Form, the School Information Sheet, the Code of Ethical Conduct form, and the Team Roster Form.

[Click Here for Middle School Forms](#) [Click Here for High School Forms](#)

### **What paperwork is required by my school?**

A purchase order for the registration fee, permission slips for travel, any club paperwork, bus reservations, teacher substitute paperwork if the teacher needs to travel and/or compete on Friday, etc.

### **How do I find an attorney coach?**

To find an attorney, check with school PTA, team parents, school alumni, local county bar, and then SC Bar.

### **Where do I find additional resources or ask questions?**

Contact Donald N. Lanier (803) 252-5139, or [dlanier@scbar.org](mailto:dlanier@scbar.org).



# SCORING GUIDE

(Effective May 2022)

OPENING	Ineffective 1 – 3	<ul style="list-style-type: none"> <li>Very short; did not provide anything useful; no overview, theme or theory</li> <li>Read from script directly; inaudible voice</li> </ul>	
	Poor 4 – 5	<ul style="list-style-type: none"> <li>Short overview of case and evidence</li> <li>Note dependent; no eye contact; difficult to hear</li> </ul>	
	Average 6	<ul style="list-style-type: none"> <li>Introduced a theme/theory of case, made introductions prior to opening</li> <li>Explained the case and gave a “road map” of what would transpire during the trial (outlined witness testimony and exhibits they would use)</li> <li>Demonstrated understanding of case/rules/legal issues</li> <li>Notes read only periodically; presented appropriate demeanor and eye contact with a clear voice</li> </ul>	
	Very Good 7 – 8 (+ “6” content)	<ul style="list-style-type: none"> <li>Held attention; professional and confident presence; did not sound rehearsed</li> <li>Provided overview of parties and witnesses; anticipated their testimony without being argumentative</li> <li>Notes used as reference/guide only</li> </ul>	
	Superior 9 – 10 (+ “7 - 8” content)	<ul style="list-style-type: none"> <li>Compelling/believable</li> <li>Conversational; polished/poised</li> <li>Good use of courtroom</li> </ul>	
		Attorney	Witness
DIRECT / CROSS	Ineffective 1 – 3	<ul style="list-style-type: none"> <li>Nervous and unclear of what was to be done</li> <li>Read from script directly; inaudible voice</li> </ul>	<ul style="list-style-type: none"> <li>Not credible; stumbled with testimony</li> <li>No understanding of case; inaudible voice</li> </ul>
	Poor 4 – 5	<ul style="list-style-type: none"> <li>No eye contact; difficult to hear</li> <li>Slow and lacked depth</li> <li>Easily flustered with witness</li> <li>Note dependent</li> </ul>	<ul style="list-style-type: none"> <li>Scripted, no eye contact, difficult to hear</li> <li>Weak on responses to cross, lacks depth</li> <li>Undeveloped character</li> <li>Easily flustered and unconvincing</li> </ul>
	Average 6	<ul style="list-style-type: none"> <li>Demonstrated an understanding of rules/case/issues</li> <li>Laid foundation and addressed actual testimony</li> <li>Sequenced questions logically; direct; and concise</li> <li>Used properly phrased questions with purpose</li> <li>Good time management</li> <li>Made proper objections and did not overuse them</li> <li>Followed proper protocol for introducing exhibits</li> <li>Effectively conducted re-direct/re-cross, if done</li> <li>Eye contact maintained and appropriate</li> <li>Voice was clear and audible</li> <li>Notes read only periodically</li> </ul>	<ul style="list-style-type: none"> <li>Demonstrated understanding of role in case</li> <li>Consistent with facts of the case and exhibits</li> <li>Emphasized strengths in affidavit</li> <li>Developed character</li> <li>Phrasing consistent w/ character represented</li> <li>Provided logical and credible testimony</li> <li>Responded on cross maintaining composure</li> <li>Eye contact maintained and appropriate</li> <li>Voice was clear and audible</li> </ul>
	Very Good 7 – 8 (+ “6” content)	<ul style="list-style-type: none"> <li>Did not ask questions requiring an unfair extrapolation</li> <li>Continued with consistent theme and theory of case</li> <li>Made/defended objections utilizing Rules of Evidence</li> <li>Limited objections only to evidence that hurts team’s case</li> <li>Recovered after objections &amp; adjusted to judges’ rulings</li> <li>If directed/re-directed, elicited favorable facts from witness</li> <li>If crossed/re-crossed, weakened testimony given</li> <li>Notes used as reference/guide only</li> </ul>	<ul style="list-style-type: none"> <li>Command of role; convincing</li> <li>Charismatic and engaging</li> <li>Sounded unscripted and conversational</li> <li>Held up on cross w/ sufficient elaborations</li> <li>Emotions were appropriate for character</li> <li>Remained in character throughout trial</li> </ul>
Superior 9 – 10 (+ “7 - 8” content)	<ul style="list-style-type: none"> <li>Conversational; natural; took command; not overbearing</li> <li>Brought out and emphasized weaknesses/strengths</li> <li>Objections advanced the team’s case</li> <li>On cross, controlled witness responses</li> </ul>	<ul style="list-style-type: none"> <li>Unique, entertaining w/ believable personality</li> <li>Minimized weaknesses of case</li> <li>Kept information out that hurt case</li> <li>Responded on cross effectively &amp; with ease</li> </ul>	
CLOSING	Ineffective 1 – 3	<ul style="list-style-type: none"> <li>Very short; did not provide anything useful; no theme or theory; read from script directly</li> <li>Inaudible voice</li> </ul>	
	Poor 4 – 5	<ul style="list-style-type: none"> <li>Short; did not refer to jury instructions/legal issues; no request for relief; no eye contact; difficult to hear</li> <li>Note dependent</li> </ul>	
	Average 6	<ul style="list-style-type: none"> <li>Demonstrated an understanding of rules/case/issues and addressed the relevant burden of proof</li> <li>Summarized relevant testimony and evidence/exhibits admitted</li> <li>Theme was carried through to closing argument</li> <li>Spoke with clear voice and had appropriate eye contact</li> <li>Notes read only periodically</li> </ul>	
	Very Good 7 – 8 (+ “6” content)	<ul style="list-style-type: none"> <li>Outlined the strengths of their case and the weaknesses of the opposing case</li> <li>Asked for the verdict/relief and argued why the relief requested was appropriate and justifiable</li> <li>Summarized evidence with reasoning;</li> <li>Discussed elements of cause(s) of action; referenced burden of proof</li> <li>Notes used as reference/guide only</li> </ul>	
	Superior 9 – 10 (+ “7 - 8” content)	<ul style="list-style-type: none"> <li>Complemented opening statement and incorporated only what transpired in trial exceptionally well</li> <li>Persuasively countered the opposing team’s theme/case; was compelling, believable and conversational</li> <li>Referred to and used relevant exhibits</li> <li>Convinced jury that evidence was credible and proved the team’s case</li> </ul>	

# TALENT RELEASE FORM EXPLANATION

The next page has the Talent Release Form for all students, sponsoring teachers, and attorney coaches to complete prior to registration on the day of the competition.

The Talent Release Form signifies that the SC Bar has been given permission to use any film or video taken at the competitions to be used for marketing and training tools, and for the purpose of taking pictures to use as examples during trainings, marketing efforts and press releases. All pictures used will be portrayed in a positive manner.

Should a team give permission to the opposing team to video tape, then they have permission.

Should a team not have all their signed talent releases and there are reasons for this, please instruct your students to answer that they do not approve videotaping when asked by the opposing team to film.

For completion, this form is provided as a link for all students and parents to sign electronically. The link will be provided to teacher coaches after registration.

# TALENT RELEASE FORM (SAMPLE)

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, I hereby irrevocably grant to the South Carolina Bar, its successors and assigns, and parties authorized by the South Carolina Bar, for any purpose(s) whatsoever, the right to photograph and record any or all of my appearance(s) or performance(s) in connection with the production of **Mock Trial**; to reproduce such photographs and recordings or any part of them by any method; to use, broadcast and/or publish such photographs and recordings or any part of them by any method; to use my name, no name, or a fictitious name in connection with such photographs and recordings or any part of them; and to circulate, distribute, sell, and/or lease such photographs and recordings or any part of them, or license others to do so as long as pictures taken are to be only used in a positive manner. Any rights granted in the immediately preceding sentence shall also extend to any advertising or other material in connection with the Production.

\_\_\_\_\_’s (student, teacher, or attorney coach’s name) appearance(s) or performance(s) in the Production is/are not the result of pressure or forced participation. No representations of any kind have been made to me. I release the South Carolina Bar, its successors and assigns, to any parties authorized by the South Carolina Bar to perform the acts set forth in the paragraph above, from any and all claims for damages for libel, slander, invasion of the right of privacy, or any other claims based on, arising out of, or connected with the Production.

I hereby waive any right to inspect or approve the Production, at any stage of its development, and any other matter or material relating to the Production. I agree that the control of, title to, any right of copyright of the Production or any part of the Production, including any copies thereof, and any other matter relating to the Production, shall be owned exclusively and completely by the South Carolina Bar, its successors and/or assigns.

I also agree that I will not disclose, sell, give, assign, furnish, distribute, or otherwise make available any information, data or materials concerning the South Carolina Bar, its business, products, customers or operations without the express written consent of the South Carolina Bar. This confidentiality obligation shall apply now and in the future, but shall not apply to information, which is or becomes public through no fault of mine.

Finally as the legal guardian, I hereby have my signature below.

## Role of Person

Identified Above:     Student                       Teacher Coach                       Attorney Coach

## Parent / Guardian’s

Name if for a Student (printed): \_\_\_\_\_

School Name: \_\_\_\_\_

Home Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

## Parent / Guardian

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Witness Signature: \_\_\_\_\_ Date: \_\_\_\_\_



# MOCK TRIAL Team Drop Form

**This form must be received by:**

**Middle Schools: September 22, 2023**

**High Schools: January 18, 2024**

**Scan and Email Form to: [ire@scbar.org](mailto:ire@scbar.org)**

### 3.8 Withdrawing from the Competition

Teams are notified in the Mock Trial competition registration form of the date a team can withdraw without penalty. Should a team need to withdraw after the drop deadline date (noted above), the Team Drop Form is completed by the lead teacher coach. Both the coach and the principal must sign the form and submit to the State Mock Trial Coordinator immediately upon withdrawing the team. Withdrawal after the deadline can result in extreme hardship in coordinating the competition. A team withdrawing after the drop deadline is suspended for one year from the competition. However, the team's lead teacher coach and/or principal may petition the Mock Trial Sub-Committee to waive the suspension. Teams advancing to the next level of competition are notified by the SC Bar of withdrawal deadlines applying to the next level of competition. Registration fees are non-refundable.

ALL BLANKS MUST BE COMPLETED IN ORDER FOR THE FORM TO BE ACCEPTED.

Please be reminded that registration fees are non-refundable.

DATE: \_\_\_\_\_

SCHOOL: \_\_\_\_\_

TEACHER(S): \_\_\_\_\_  
LIST ALL TEACHERS INVOLVED

PHONE: (      ) \_\_\_\_\_

E-MAIL: \_\_\_\_\_

ATTORNEY COACH(ES): \_\_\_\_\_  
LIST ALL ATTORNEYS INVOLVED

NUMBER OF INDIVIDUALS AFFILIATED WITH THE TEAM				
	Teachers	Students	Attorney Coaches	Administrators
At Time of Registration				
At Time of Withdrawal				

REASON FOR DROPPING: \_\_\_\_\_

Lead Teacher Coach's Signature \_\_\_\_\_ Date \_\_\_\_\_

Principal's Signature \_\_\_\_\_ Date \_\_\_\_\_

Questions? Contact Donald N. Lanier at 803.252.5139 or [dlanier@scbar.org](mailto:dlanier@scbar.org)

# Mock Trial Timekeeper Record Form

Date: 11-13-XX Team Code: CH

Timekeeper's Name: Ian Sams Signature: Ian Sams

P **CH** v. D **MG**

Circle Round: **1** 2 3

Competition Location:

- Columbia     Greenville     Lexington - Westbrook  
 Conway     Lexington     STATE  
 Georgetown     Lexington - Summary

SAMPLE

Prosecution/Plaintiff Code

**CH**

Defense Code

**MG**

Opening Statements (5 minutes)	<b>4:36</b>
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Opening Statements (5 minutes)	<b>4:51</b>
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Confirm the time with opposing timekeeper. Did total time go over 5:15? If yes, tell the judge. Reset stopwatch to zero for the next phase.

Confirm the time with opposing timekeeper. Did total time go over 5:15? If yes, tell the judge. Reset stopwatch to zero for the next phase.

Pros./ Plaintiff WITNESSES	Direct Exam	<b>6:02</b>	<b>6:24</b> Redirect
	Direct Exam	<b>18:41</b>	— Redirect
	Direct Exam	<b>24:09</b>	<b>25:11</b> Redirect
	Total Time (25 minutes)	<b>25:11</b>	Extension Approved? Y <b>N</b>

	Cross-Exam	<b>8:15</b>	— Recross
	Cross-Exam	<b>17:36</b>	<b>18:52</b> Recross
	Cross-Exam	<b>20:36</b>	— Recross
	Total Time (20 minutes)	<b>20:36</b>	Extension Approved? Y <b>N</b>

Confirm the time with opposing timekeeper. Did total time go over 25:15? If yes, tell the judge. Reset stopwatch to zero for the next phase.

Confirm the time with opposing timekeeper. Did total time go over 20:15? If yes, tell the judge. Reset stopwatch to zero for the next phase.

Defense WITNESSES	Cross-Exam	<b>7:36</b>	— Recross
	Cross-Exam	<b>15:42</b>	<b>16:21</b> Recross
	Cross-Exam	<b>19:02</b>	<b>19:53</b> Recross
	Total Time (20 minutes)	<b>19:53</b>	Extension Approved? Y <b>N</b>

	Direct Exam	<b>8:04</b>	<b>8:31</b> Redirect
	Direct Exam	<b>17:19</b>	<b>18:20</b> Redirect
	Direct Exam	<b>23:47</b>	— Redirect
	Total Time (25 minutes)	<b>23:47</b>	Extension Approved? Y <b>N</b>

Confirm time with opposing timekeeper. Did the total time go over 20:15? If yes, tell the judge. Reset stopwatch to zero for the next phase.

Confirm time with opposing timekeeper. Did the total time go over 25:15? If yes, tell the judge. Reset stopwatch to zero for the next phase.

## Time the Recess for 5 Minutes

Reset stopwatch to zero for the next phase.

Reset stopwatch to zero for the next phase.

Closing Argument / Rebuttal (5 minutes)	<b>4:36</b>	<b>4:52</b> Rebuttal
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Closing Argument (5 minutes)	<b>4:38</b>
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Confirm the time with opposing timekeeper. Did the total time go over 5:15? If yes, tell the judge. Reset stopwatch to zero for the next phase.

Confirm the time with opposing timekeeper. Did the total time go over 5:15? If yes, tell the judge. Reset stopwatch to zero for the next phase.

## Time the Consultation for Possible Disputes for 2 Minutes

## Time the Additional Consultation for Teams to Prepare a Response to a Dispute for 2 Minutes

If Violation Spokesperson Argument	<b>2 Minutes Per Dispute</b>
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If Violation Spokesperson Argument	<b>2 Minutes Per Dispute</b>
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## Peer Award Discussion and Distribution of Certificates for up to 2 Minutes

## Time the Presiding Judge's Critique for up to 1 Minute

# TIMEKEEPERS' GUIDE TO SUCCESS

## Timekeeping Aids

**Provided by SC Bar:** Training video, timesheets, scratch paper, clipboard, and pencil.

**Provided by Teams:** Timecards (set of 3), Two (2) stopwatches (*SC Bar will have backups if one malfunctions.*)

- Opening/Closing Timecards (5 minutes)
- Direct Examination Timecards (25 minutes)
- Cross-Examination Timecards (20 minutes)

## Important Rules

- Student attorneys may ask the presiding judge permission to ask the timekeeper how much time has been used.
- The presiding judge can stop the timing for any reason.
- A time extension asked by the attorney near the end of time, if granted, is no longer than 30 seconds.
- If a student attorney secures a time extension from the presiding judge before time expires, no penalty for a time overrun is made against the team requesting the extension, as long as the time does not exceed the extension.
- Circle yes or no if a time extension was granted on your timesheet. If yes, flip timecards back by 30 seconds.
- Time overages are ruled on at the end of each trial phase. No time disputes are entertained after the trial.
- After a time overage ruling, the timekeepers clear their stopwatches and the trial continues.

## Seating Placement

- Both timekeepers sit in the jury box together unless designated to sit somewhere else by the SC Bar.
- The assigned seating area will be where the timekeeping materials are located.
- A team may request to move timekeepers slightly, but they must always be seated together and can never sit in such a way to see the scoring judges' scoresheets.

## Communication

- Simultaneously and silently display timecards to the attorneys, witnesses, and presiding judge.
- Do not verbalize, i.e. "STOP", wave the timecards, use hand gestures, or use any other means to get a student attorney's attention.
- Do not communicate with any team members, coaches, courtroom artists (HS), courtroom journalists (HS), or visitors during the recess.
- Timekeepers may communicate with their competing team members only during the dispute process or when directed by the presiding judge.

## Conferring Times and Reporting Overages / Discrepancy Discussion

- At the end of each witness presentation, record the time used on the timesheet.
- At the end of each trial phase (i.e., after both opening statements, at the end of each Case-in-Chief (P) and (D), and at the end of the closing arguments), timekeepers record the total time and confer with one another on the amount of time used by both sides.
- If there is a large time discrepancy, a timekeeper may be forgetting to stop/start the stopwatch for objections.
- If there is more than a 15 second time overage between the two timekeepers, the timekeepers must notify the presiding judge of the time overage at that moment.
- The presiding judge rules on the time overage immediately.
- The decisions of the presiding judge are final.
- After the ruling, the timekeepers clear their stopwatches for the next trial phase to begin.

## Timing

- Timing begins when the first word is spoken by the student attorney or at the direction of the presiding judge.
- Time stops when the last word is spoken by the student attorney.
- In a Case-in-Chief, there are three witnesses, and each witness will have a direct and cross-examination.
- There are two stopwatches and two sets of timecards used.
- One stopwatch records the direct while using the direct examination timecards. When the timing of the direct examination stops, the stopwatch also stops, and time is recorded.
- Pick up the second stopwatch and the cross-examination timecards. Time the cross and record time used.
- If there is a re-direct or re-cross, the timekeeper picks up the appropriate stopwatch and timecards.
- This process is repeated for the two remaining witnesses.
- Once the Case-in-Chief is finished with all three witnesses is when timekeepers will record total times and confer.
- Time only stops for objections, questioning from the presiding judge, or administering the oath. Time does not stop for the introduction of exhibits, retrieving exhibits, re-organizing exhibits, or for student attorneys to confer with co-counsel. Timing is not held off for retrieval of exhibits prior to starting.

- Stopwatches are cleared after each phase (opening, the Case-in-Chief for each side, and closing).

### Displaying Timecards

- Timekeepers do not have to hold timecards up the entire time.
- Hold timecards up for a few seconds until the student attorney speaking and the presiding judge have seen the updated timecards and then lower the cards. Otherwise, the student attorney looking at the timecards may be misled that the timecard was just flipped and have more time than they actually do.

### The Trial is About to Start

- Complete the top portion of the timesheet with your team code, the opposing team code, timekeeper's name, timekeeper's signature, circle the region competing in, and circle round number being performed.
- The Prosecution/Plaintiff is (P) and Defense is (D).
- The Prosecution/Plaintiff timekeeper is the official timekeeper of the two timekeepers unless the judges see that the (P) timekeeper is struggling to keep accurate time.
- The presiding judge and the scoring judges (jury) introduces themselves, which is not timed.
- Introduction of counsel and witnesses prior to opening statement is not timed.

### During the Trial

- **Opening Statements:**
  - Stopwatch starts at zero and timecards start from the beginning.
  - Opening statements are limited to five minutes each.
  - (P) gives the opening statement first and then (D) presents their opening statement.
  - Start the stopwatch when the first word is spoken by the attorney or if directed by the presiding judge.
  - Stop the stopwatch with their last word spoken.
  - If introductions take place during the openings, then it is included in the time allotted for opening statements.
  - Record time used on stopwatches on the timesheet.
  - There is a 15 second time overage allowed for varying starts and stops when using the stopwatch.
  - Confer with the other timekeeper to check for any time discrepancies and/or overages.
  - The presiding judge will stop and ask both timekeepers if there are any time overages over 5:15.
  - The opening attorneys may request up to a 30 second time extension form the presiding judge. If permitted, flip the timecards back to 30 seconds.
- **Administering the Oath:** The swearing in of the witness is done by the (P)'s bailiff, which is not timed.
- **Direct and Cross-Examinations:**
  - Direct examinations are limited to 25 minutes.
  - Cross-examinations are limited to 20 minutes.
  - Both stopwatches start at zero and timecards start from the beginning.
  - Start the stopwatch when the first word is spoken by the attorney or if directed by the presiding judge.
  - Stop the stopwatch for objections, responses to objections, and questioning from the presiding judge.
  - Restart the stopwatch after the objections and any questioning or ruling(s) by the presiding judge.
  - Stopwatches are not stopped for introduction of exhibits or for attorneys to confer with co-counsel.
  - Stopwatches stop when the last word is spoken by the attorney, which is usually – “no further questions.”
  - Record time used on stopwatches onto the timesheet for each witness, i.e. direct, cross, re-direct, re-cross.
  - Quickly confer with the other timekeeper to check and make sure times are close. Otherwise, a timekeeper may be forgetting to stop and start back for objections.
  - There is a 15 second time overage allowed for varying starts and stops when using the stopwatch.
  - After the third witness, confer with the other timekeeper for any time discrepancies and/or overages.
  - The presiding judge will stop and ask both timekeepers if there are any time overages.
  - Time overages for direct examination exceeding 25:15 are reported.
  - Time overages for cross-examination exceeding 20:15 are reported.
  - The last directing and/or crossing attorney may request up to a 30 second time extension form the presiding judge. If permitted, flip the timecards back to 30 seconds.
- **Closing Arguments:**
  - Stopwatch starts at zero and timecards start from the beginning.
  - Closing arguments are limited to 5 minutes each.
  - Start the stopwatch when the first word is spoken by the student attorney.
  - The Prosecution/Plaintiff may reserve a portion of its closing time for a rebuttal. They need not request or state that they are reserving time for a rebuttal.
  - The closing attorneys may request up to a 30 second time extension form the presiding judge. If permitted, flip the time cards back to 30 seconds.

- **Additional Responsibilities Include Timing the Following:**
  - The recess up to five minutes,
  - The first team consultation time up to two minutes,
  - The second team consultation time up to two minutes,
  - The peer award discussion time up to two minutes, and
  - The presiding judges' critique up to one minute.
- **Finishing Up:** Turn your timesheet into the presiding judge.

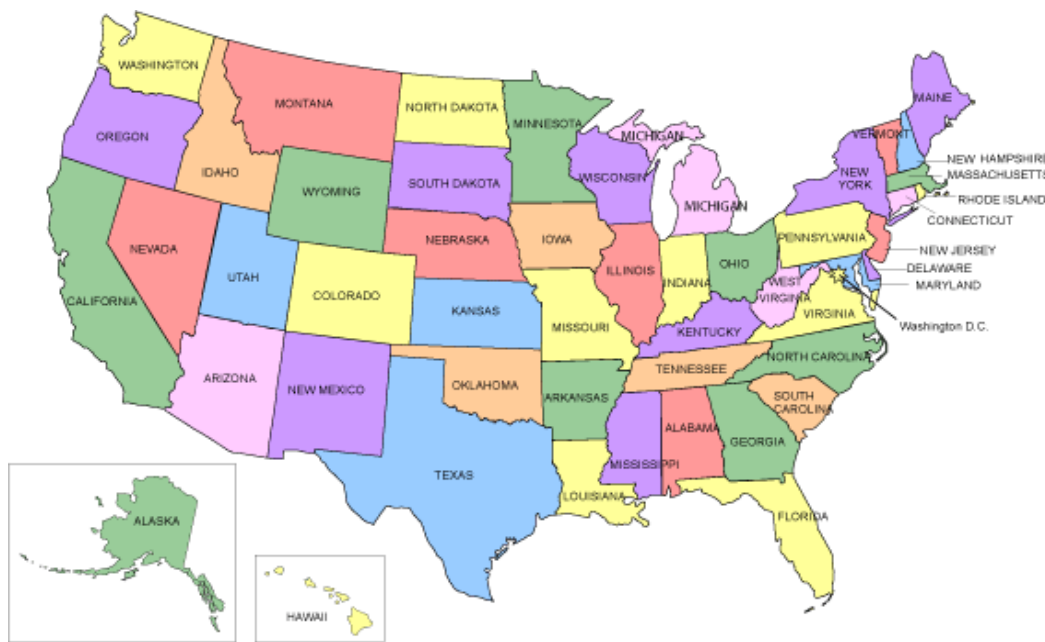
**2023/2024**  
**Additional Information**  
**for Teachers, Attorneys,**  
**Students and Parents**

**(Section 4 of 4)**

# COLLEGIATE MOCK TRIAL PARTICIPATION (Nationwide)

Interested in Mock Trial beyond high school?

Visit..... [www.collegemocktrial.org/](http://www.collegemocktrial.org/)



## ***What is the difference between High School Mock Trial and Collegiate Mock Trial?***

High School Mock Trial programs do not allow teams to choose which witnesses they call. Case-writers create six witnesses and specify which three are for the Defense and which three are for the Prosecution/Plaintiff. In college, the case-writers develop somewhere around ten different witnesses and allow each side to choose which three of these witnesses they call in the minutes before a trial. With this set-up, opposing sides can strategize to “steal” the witnesses that their competitor may want. For this reason, every team needs extensive back-up plans and a lot of improvisational ability. Thinking on your feet is one of the best parts of Mock Trial.

How people perform as witnesses also differs from high school to college. The High School Mock Trial program has regulations that prohibit witnesses from using costumes. In college, not only do these regulations not exist, but it is almost a requirement that every witness transform into a character that the presiding judge remembers and likes to include accents, costumes, and one-liners make witnesses entertaining and fun to play.

# 2022/23 High School Mock Trial Participation

**Here is a list of high schools that competed in 2023.**

Columbia
AC Flora High Dreher High Dutch Fork High Eau Claire High <b>Governor's School for Science and Math</b> Lexington High Richland Northeast High Ridge View High Spring Valley High Trinity Collegiate WJ Keenan High Wilson High

Georgetown
Academic Magnet High Beaufort Academy Berkeley High Cane Bay High Charleston County School of the Arts Conway High Fort Dorchester High Goose Creek High Lucy Beckham High Scholars Academy Summerville High

Conway Region
N/A for 2023

Greenville Region
Bob Jones Academy Chapin High Fort Mill High Green Upstate High Greenville Classical Academy Greenville Sr. High Greenwood High Indian Land High Nation Ford High Powdersville High Spring Hill High Strom Thurmond High

Lexington Region
NA for 2023

Please note that this list is last **year's participants. Regional** assignments can vary from year to year based on participation and number of regions.

Regional assignments for the current High School Mock Trial participants are not released until January 2024.



# 2022 Middle School Mock Trial Participation (Statewide)

**Here is a list of middle schools that competed in 2022.**

## Columbia Region

Bob Jones Academy  
Blythewood Middle  
Chester Middle  
Dent Middle  
Forest Creek Middle  
Green Charter Middle  
Hand Middle  
Longleaf Middle  
Pleasant Knoll Middle  
WA Perry Middle

## Conway Region

N/A for 2022

## Greenville Region

N/A for 2022

## Georgetown Region

Buist Academy  
Cario Middle  
Moultrie Middle  
Palmetto Academy  
Phillip Simmons Middle  
St. Andrews Catholic  
Ten Oaks Middle  
Whittemore Park Middle

## Lexington Region

Chapin Middle  
Dutch Fork Middle  
Irmo Middle  
Jackson Magnet Middle  
JET Middle  
Kennedy Middle  
Liberty Middle  
Seneca Classical

Please note that this list is last **year's** participants. Regional assignments can vary from year to year based on participation and number of regions.

Regional assignments for the current Middle School Mock Trial participants are not released until early October 2023.

## Competition Schedule Samples

Please note the agendas below are examples. Participants should rely on information provided directly to the teams for exact competition specifics for their location assignment as it can change depending on the needs/availability of a regional location.

Regional Agenda - Saturday	
8:00	Team Registrations
8:15	Arrival Deadline
8:45	Round #1 <span style="float: right;"><i>(must be in room 15 minutes prior to the round)</i></span>
11:00	Team Lunch <span style="float: right;"><i>(teams on their own, no eating at restaurants– only time for lunch)</i></span>
12:00	Pairings Posted
12:15	Round #2 <span style="float: right;"><i>(must be in room 15 minutes prior to the round)</i></span>
2:45	Team Break <span style="float: right;"><i>(snack break only, no eating at restaurants, late penalties apply)</i></span>
3:15	Pairings Posted
3:30	Round #3 <span style="float: right;"><i>(must be in room 15 minutes prior to the round)</i></span>
6:15	Departure <span style="float: right;"><i>(teams on their own for dinner)</i></span>
Closing Assembly – Monday	
7:00	<b>Virtual</b> Closing Assembly for all Regional Competitions

State Agenda	
<b>Friday</b>	
11:00	Team Registrations
11:30	Arrival Deadline
11:45	Round #1
2:00	Team Break <span style="float: right;"><i>(teams on their own, snack break only, no restaurants, late penalties apply)</i></span>
3:00	Pairings Posted
3:15	Round #2
6:00	Departure <span style="float: right;"><i>(teams on their own for dinner)</i></span>
<b>Saturday</b>	
8:15	Team Check-In
8:45	Round #3
12:15	Awards Assembly
12:45	Dismissal of All Teams Not Advancing to the Championship Round
12:45	Box Lunch for Top Two Championship Teams and Their Guests
1:30	Championship Round #1
4:00	Team Break
4:15	Championship Round #2
7:00	Closing Assembly and Presentation of Gavel
7:45	Departure <span style="float: right;"><i>(teams on their own for dinner)</i></span>

SC Bar Law Related Education  
**TEACHER TIME TRACKING FORM**

SC Bar Law Related Education Division appreciates all of your time and dedication to the Mock Trial program. We know your students and their parents appreciate your commitment to the team and your school would not be able to participate in Mock Trial competitions without great teachers like you.

As a teacher sponsoring or assisting with a Mock Trial Team, LRE would like to show our appreciation to you with a participation certificate with the number of hours that you have committed to the program.

This form helps you keep track of the time you commit to the study, practice and the hours on the day of the competition. At the end of the competition season, total all the time that you have committed and have your principal sign the form. Upon receipt in the LRE office, you receive a certificate approximately 30 days after the state competition noting your hours of commitment.

Thank you for all that you do to make Mock Trial a successful program.

Please return this form to: Marian Kirk via email, [mkirk@scbar.org](mailto:mkirk@scbar.org)

**PLEASE COMPLETE WITHIN 30 DAYS OF THE STATE COMPETITION**

Please Print

**Teacher Name:** \_\_\_\_\_  
  First    Last

**School Name:** \_\_\_\_\_

**School Address:** \_\_\_\_\_

**Phone Number:** ( \_\_\_\_\_ ) \_\_\_\_\_ **E-Mail:** \_\_\_\_\_  
  (Best Contact #)

**HOURS COMMITTED:** \_\_\_\_\_ (Tracking Chart on the Back)

**Middle School Mock Trial Competition Time Frame:** \_\_\_\_\_/Year: \_\_\_\_\_

**High School Mock Trial Competition Time Frame:** \_\_\_\_\_/Year: \_\_\_\_\_

**National Mock Trial Competition Time Frame:** \_\_\_\_\_/Year: \_\_\_\_\_

**Teacher:** I certify that the hours reflected on this form are the best reflection of the hours invested in the Mock Trial program.

\_\_\_\_\_  
Teacher's Signature

**School Principal:** I certify that the teacher stated above conducted or assisted with a Mock Trial team at our school and the hours noted on this form are the best reflection of their time commitment.

\_\_\_\_\_  
Principal's Signature

Printed Name: \_\_\_\_\_

Contact Number: ( \_\_\_\_\_ ) \_\_\_\_\_

E-Mail Address: \_\_\_\_\_



# WHAT PARENTS AND VISITORS SHOULD KNOW

- Parents and all guests are referred to as visitors.
- Parents meet with your student's teacher coach to learn about practice schedules, transportation to/from the competition, snacks for practices, snacks/lunch for the competition, dress attire for students, travel plans, where to meet for the competition, competition schedule, arrival times, departure time estimations, etc.
- Parents and visitors are welcome to attend the competitions. Competing students, teacher coach(es) and attorney coach(es) wear separate "team" badges. Teams are provided a maximum number of 24 "visitor" badges to watch their team. Visitors cannot view any round without the matching visitor badges which are noted with two coded letters, e.g. "AB." The codes mean nothing. It is a system in place to keep the teams anonymous from the presiding judges, scoring judges, and opposing teams. Visitors receive visitor badges from the lead teacher coach after the teacher registers the team on the day of the competition. All badges are expected to be returned at the end of the competition.
- The team's school, to the extent possible, is kept confidential from the scoring judges. Visitors are not to wear or bring school names, logos, or colors on any items brought into the courtroom. Also, the teams and their visitors only identify themselves by their assigned team codes for the competition, not by the school name.
- Seating is limited in various courtrooms throughout the state. Teams with a large number of visitors will be required to have visitors take turns observing students perform using the limited number of visitor badges provided.

*For example, Johnny is only performing for the Defense side, but the Prosecution/Plaintiff side is currently performing. Parents and visitors associated with Johnny sit out this round if space were limited, so that parents and visitors of the students on the Prosecution/Plaintiff side could watch. The same courtesy is extended when sides switch, should that courtroom present space constraints.*

- Know that teachers receive the order of the performing sides for the first round seven business days prior to the competition; which helps visitors plan for attendance and/or seating space constraints. However, if teams drop out during the seven business days prior to the competition, agendas do change to include the morning of the competition should a team "no show." The agenda is always subject to change.
- Everyone is asked to respect the arrival times, competition round times, breaks and lunchtime by never being late. Students are to be in their respective courtrooms 15 minutes prior to each round for competitions. Many of the courthouses require security to operate the metal detectors for the competitions, which requires additional time for gaining access into the building. (The more pockets, purses, briefcases, bags, etc. that have to be examined, the longer the entry time.) It is suggested for lead teacher coach to have a bag for all things that students absolutely need to bring in the courthouse and the students bring nothing other than their notes. This process speeds up entry into the courthouse.
- All late arrivals present a hardship on the teams. In the event a visitor arrives late, there is staff to assist in finding the assigned courtroom for each team. However, entering or exiting the courtroom should only occur during transitional periods taking place in the

courtroom. For example, enter when a witness is getting off the witness stand and not during an opening, direct, cross, or closing. Each team should have one person stand outside their courtroom and assist in ensuring late arrivals or people leaving during the trial only enter and exit during transitions. This process ensures there is less distraction for the students during the trial.

- An agenda with “approximate” times is provided to the lead teacher coach in advance and on the day of the competition to share with visitors. Times are “approximate” and a round could end earlier or later than estimated, thus causing subsequent breaks, lunch, rounds and awards to be impacted by this shift in time. Even if the round a visitor views ends “on time,” all teams must wait to begin the next round until all teams have completed the same round in order for power matching for the next round to take place. This wait time may be as much as one hour for the teams that finish the earliest.
- If a visitor knows in advance that s/he is only coming to see the one round his/her student is performing in, plan to arrive 15 – 30 minutes prior to the “approximate” start time to ensure a seat in the courtroom as times are not “fixed” and can vary. Visitors planning on arriving for only one round are strongly encouraged to leave their cell phone number with the lead teacher in case the agenda changes on the morning of the competition.
- Visitors are not allowed to move around the courtroom during a trial or participate in any way to include asking about time used, signaling, passing notes, mouthing to students, raising disputes, or arguing a dispute on behalf of the student(s).
- It is strongly encouraged that cell phones are not brought to the courthouse and/or Mock Trial facility. Some courthouses prohibit the possession of cell phones and are confiscated by security personnel. Should a cell phone be permitted into the courthouse, it is asked for all cell phones be turned off while in the courtroom. Cell phones or any other technology is not permitted in front of the bar.
- Video cameras may be used during the competition only with the consent of the host facility, the presiding judge and with the consent of the opposing team. The presiding judge asks for consent from both teams prior to beginning the trial. Flash pictures may not be taken during the competition at any time. (In the past, some teams have nominated one parent from a team to film all of the rounds and share the video with everyone on that team following the competition.)
- The SC Bar promotes each competition statewide and sends press releases to all media outlets. Media may be on-site at a competition.
- Teams are notified in advance in the event that there are an odd number of teams participating in a given regional competition that requires a team to become a “bye” team during a round. See information about a bye round in the rules section of the Mock Trial Competition Handbook (Rule 5.9 – Bye Round).
- In general, there are very few, if any, restaurants within walking distance of the competition locations. Students stay on the competition grounds and visitors either bring prepared lunch or have lunch delivered to the team.

- The presiding judge allows a five-minute recess for students and judges in front of the bar to take a quick restroom break between the Case-in-Chief presentations. During these five minutes, no one behind the bar may leave the courtroom or communicate with any of the competing team members that were performing in front of the bar. There is an additional 2 minute recess prior to closings and no one may leave the courtroom or communicate while the teams in front of the bar prepare for their closing arguments. All students in front of the bar remain in the courtroom and do not communicate with anyone behind the bar. Students in front of the bar may talk amongst themselves as they prepare for closing arguments.
- Any concerns, issues or feedback discussed with the State and/or Regional Mock Coordinator is to be made solely by the lead teacher coach and/or the lead attorney coach. Any communication not from either of these two coaches is considered to be in non-compliance and is subject to penalties according to Rule 3.9 Communication with Mock Trial Coordinators and Rule 6.4 Discipline for Non-Trial Rules Violations. This rule is in place before and during the competition. All post-competition communication is solely by the lead teacher coach and/or attorney coach directed to the State Coordinator only. There is no reaching out to judges or Regional Coordinators post competition. Any post-competition communication not directed to the State Coordinator subjects the team to penalties up to disqualification the following school year.
- All teams leave after their last round of the day. There is no longer an on-site closing assembly. There will be a virtual closing assembly Monday evening via Zoom.
- During this virtual closing assembly, the most effective attorney and most effective witness from each round nominated by the scoring judges are announced. The Professionalism and Civility Award (determined by team nominations) from each region will be awarded. The virtual closing concludes with the announcement of the teams in each region to advance to the state competition. There are a total of 12 teams that advance to the state competition to include a winner from each regional competition and the remaining slots are filled with the next highest wins, ballots, points, and point spread out of all the regional competitions.
- All scoresheets are confirmed and the official teams advancing to the state competition are announced by 5pm the Tuesday following the regional competitions.
- Teams along with their visitors should block their calendar with the state competition dates in the event their team advances to the state competition – even if it is a first-year team. Should a team be selected to advance to the state competition, it is very important that the team stays together when advancing to the next level of competition. Should the team not be able to advance to the state competition due to not enough team members available, the team forfeits its slot and is awarded to the next highest placing team in the state. For this reason, three back-up teams are announced along with the top twelve advancing teams.



# What to Expect at Regional Mock Trial Competitions

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## The Basics: What is Mock Trial?

A *Mock Trial* is a pretend trial and involves either civil or criminal cases, just like a real court. Federal rules and procedures are modified to simplify the process of Mock Trial. In Mock Trial the students present the case and act as the main characters in the courtroom. The purpose of Mock Trial is to learn about courtroom procedures and the people and rights involved with the legal system. It also teaches how to evaluate both sides of an issue and resolve conflicts in a nonviolent manner. A Mock Trial follows the trial procedure of the lower courts.

By incorporating Mock Trial, students learn about the basis of our American judicial system and the mechanics of litigation. In addition, students are encouraged to learn and understand the meaning of good citizenship in a democracy. Mock Trial is exciting to share in any classroom or club and it easily stimulates participation, critical thinking, speaking skills, and teamwork. Mock Trial is also available in many elementary, middle schools, high schools, and colleges throughout the state. Graduating High School Mock Trial students are eligible for High School Mock Trial scholarships when continuing with higher education.

## Nametags:

There is a maximum number of 24 visitor badges allotted per team. No one can view any round without matching visitor badges. All team members and visitors are identified accordingly with their respective team badges. Students have white pin-on name badges with two coded letters representing their team to keep the school anonymous. The students' respective visitors, teachers, and attorney coaches are assigned the same two coded letters on their badges, but with their respective titles (visitor, teacher, or attorney coach). Note that if there are more than 16 students on a team, the remaining students wear visitor badges. There are only 24 visitor badges total available to a team. Announcements at the awards ceremony begin after all badges have been collected.

**Late Arrivals:** Must obtain a nametag from the Regional Coordinator prior to entering a courtroom.

**Transitioning In and Out of Courtrooms:** Visitors are asked to be respectful of both teams competing and only enter or exit the courtroom during a transition. A transition is when a witness is getting on or off the witness stand. Reentering the courtroom is to be done when the witness is leaving the witness stand.

## Judging/Scoring:

Each trial has a presiding judge overseeing the trial and a minimum of two and maximum of three scoring judges serving as the jury. The scoring judges use the Mock Trial scoresheet to determine how each team performs their knowledge and understanding of the case itself and the trial process, not guilt or innocence. The scoring judges also determine the most effective witness and most effective attorney for each round. Should there only be two judges serving as jury members or an emergency with the third scoring judge, the scores are averaged for a third scoresheet and the presiding judge determines which team wins the third ballot. Scoresheets are sent electronically following all regional competitions and after all scoresheets have been verified. Scoresheets cannot be picked up in person.

## Introductions:

Once teams are in their respective courtrooms, students are asked to address the presiding judge and scoring judges providing only their names and roles in the competition (not their school name) at the beginning of each round.

## Communication:

Any communication that takes place over the bar subjects the team to a strong point deduction or even disqualification. Visitors, coaches, and non-competing team members are to refrain from all communication with competing team members unless directed by the presiding judge. Any communication with the State and/or Regional Mock Trial Coordinators is made solely by the lead teacher/attorney coach. Any communication not from the lead teacher/attorney coach to the Regional and/or State Coordinator is considered to be in non-compliance of Rule 3.9 (Communication with Mock Trial Coordinators) and is subject to Rule 6.4 (Discipline for Non-Trial Violations). This rule is in place before and during the competition. All post-competition communication is solely by the lead teacher coach and/or attorney coach directed to the State Coordinator only. There is no reaching out to judges or Regional Coordinators post competition. Any post-competition communication not directed to the State Coordinator subjects the team to penalties up to disqualification the following school year.



**Recesses:**

During the competition there are two recesses. Anyone behind the bar may not leave or communicate during either recess. The recesses are intended for the competing students and judges to leave during the first recess for a restroom break and the second recess is time for the students to adjust their closing arguments.

**Photography/Videography:**

Video cameras and non-flash photography may be used during the competition only with the consent of the presiding judge and the opposing team. Flash pictures may not be taken during the competition. Upon approval, persons may take stationary pictures from the seated position. No movement in the courtroom for pictures is permitted. Team pictures are taken during the day by the lead teacher coach and texted to the regional coordinator during the day of the competition.

**Number of Rounds:**

If there is an even number of teams in a region, then there are three rounds with all teams competing in all three rounds. If there is an odd number of teams at a competition, see Rule 5.8 (Effect of Bye Round). Bye round means that one team is sitting out every round since there is an uneven number of teams. Bye teams may use this round time to prepare for their next competitive round. A round intended for a team to sit out cannot be attached to a lunch period. This mechanism is in place to ensure all teams have equal treatment. Students found roaming the halls during a round that they are not competing in are subject to penalties, as respect and silence is needed for the other teams competing. Working diligently to keep the hallways as quiet as possible is greatly appreciated.

**Lunch / Snacks:**

There is no eating permitted in most courthouses unless specified by the court. Teams are also notified in advance that there is an undetermined start time for lunch, but teams need to plan for lunch at the first break only. The second break is shortened and intended for snacks only. There are very few, if any, restaurants within walking distance of the competition locations. Teams are to stay on the competition grounds and coaches/visitors either bring prepared food for lunch or go and pick up lunches for the team. Remember when planning for this lunch, students are to be seated in their respective courtrooms 15 minutes prior to each round and should plan on allowing time to re-enter the courthouse security. For virtual, teams should be online and registered 30 minutes prior to the next round.

**Closing Assembly:**

After competing in the rounds, everyone leaves for the day and signs into the Virtual Closing Assembly on Monday evening following the competition day.

During this virtual closing assembly, the most effective attorney and most effective witness from each round nominated by the scoring judges are announced and concludes with the announcement of teams advancing to the state competition. In addition, the Professionalism and Civility Award (determined by team nominations) will be awarded. There are a total of 12 teams that advance to the state competition to include a top team from each regional competition and the remaining slots are filled with wild card teams. Wild card teams are the teams with the next highest wins, ballots, points, and point spread out of all the regional competitions.

There is a separate registration fee of \$150 for teams competing in the state competition. Lodging the Friday night of the competition may be needed for some teams as the competition takes place over two days. Teams are on their own for meals and lodging. Should a school not be able to afford the expenditures associated with this competition and forfeit their slot, the slot is offered to the next team according to rankings in the entire state. A school cannot forfeit their slot past the drop deadline date provided each year.



# What to Expect at State Mock Trial Competitions

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**Teams / Visitor Badges:** Note that there are only 24 visitor badges allotted per team. (Teacher and attorney coaches have separate team badges.) Also note that if there are more than 16 students on a team, the remaining students need to wear visitor badges. There are only 24 visitor badges total available to each team. Teams should not feel like they must use all 24 visitor badges as the courtrooms have limited seating and vary in size with each courtroom assignment. Like the regional competitions, a team's visitors cannot view a round without visitor badges that match their team's code.

**Pairing/Room Assignments and Power Matching:** The state competition has three rounds for all teams. After the third round, the top two teams are announced. The top teams will compete in two championship rounds alternating sides. All teams are seeded and power matched in the first round by using teams' final standing earned at the regional competitions. Power matching is a form of pairing teams that mirrors the National High School Mock Trial, which cannot take place until all teams have completed a round. All subsequent rounds are power matched based on the results of each round performed. When determining pairings for the subsequent rounds, it is possible that a team may perform a particular side more than once consecutively. It is guaranteed; however, that both sides of each team will have performed by the third round. Detailed information about rankings and power matching can be found in the case materials. Lead teachers are texted on their cell phone no later than 10pm Friday night indicating the side of their third round performance for Saturday morning and their time for arrival and re-registration. Teams need to be seated in their assigned courtroom 15 minutes prior to each round beginning for in-person competitions and 30 minutes prior for virtual competitions. To reduce congestion, teams are asked to send a representative to check the boards and not have entire teams in the hallways checking boards.

**Communication:** Any communication that takes place over the bar subjects the team to a strong point deduction or even disqualification. Visitors, coaches, and non-competing team members are to refrain from all communication with competing team members unless directed by the presiding judge. Communication is directed solely to the State Coordinator and is made only by the lead teacher and/or attorney coaches. Any communication during the competition or post-competition not from the lead teacher and/or attorney coaches is considered to be in non-compliance of Rule 3.9 (Communication with Mock Trial Coordinators) and is subject to Rule 6.4 (Discipline for Non-Trial Violations). Everyone except the lead teacher coach is encouraged to have cell phones off at all times while in the courtroom. Coaches are strongly discouraged from discussing rounds with other coaches during the state competition weekend.

**Photography/Videography:** Video cameras and photography are permitted in this courthouse. Use of these devices will be approved by both teams in each round. Permission in one round, does not guarantee permission in remaining rounds. All photos and videos are taken from a seated position and without devices blocking or distracting views of others.

**Late Arrivals:** Must obtain a nametag from the Regional Coordinator prior to entering a courtroom.

**Transitioning In and Out of Courtrooms:** Visitors are asked to be respectful of both teams competing and only enter or exit the courtroom during a transition. A transition is when a witness is getting on or off the witness stand. Reentering the courtroom is to be done when the witness is leaving the witness stand.

**Judging/Scoring:** Each trial has a presiding judge overseeing the trial and a minimum of two and a maximum of three people serving as the jury. Should there only be two judges serving as jury members or an

emergency with the third scoring judge, the scores are averaged for a third scoresheet and the presiding judge determines which team wins the third ballot. The scoring judges score each team on how well they perform, their knowledge and understanding of the case itself and the trial process, not guilt or innocence. The scoring judges also determine the most effective witness and most effective attorney for each round in addition to the most effective determined by each team's opponent after each round. The championship rounds should have a larger scoring jury.

### **Recesses:**

During the competition there are two recesses. Anyone behind the bar may not leave or communicate during either recess. The recesses are intended for the competing students and judges to leave during the first recess for a restroom break and the second recess is time for the students to adjust their closing arguments.

**Snack Breaks:** As mentioned in the state letters, Friday's break allows teams to have snacks and beverages outside of the courthouse. No snacks or beverages are provided. Food and beverages (including water) are not to be brought into the courthouse. There will be an additional snack break between the two championship rounds on Saturday. Please dispose all garbage in trash cans.

### **Closing Assembly / Championship Round / Selection of Sides for Championship**

**Round:** The Closing Assembly starts with the presentation of the regional advancement plaques. The most effective witnesses and attorneys are recognized from each round. At the conclusion, the top two teams competing in the two championship rounds are announced. Each of the top two teams' designated team members and lead teacher coaches come to the front of the award area for the official coin toss to determine sides performed prior to their first championship round. Once the coin toss is completed, the top two teams immediately leave the Closing Assembly and proceed to the designated room for lunch. Guests associated with both teams join the two teams once the Closing Assembly is over. Guests associated with both teams do not need to re-apply visitor badges.

**Saturday's Lunch:** After the top teams are announced and the remaining ten teams are dismissed, a catered lunch will be provided to the top two teams and their guests. Both teams and their guests must eat in the designated room and not in the hallways. Guests of both teams are asked to allow team members to eat their lunch and meet with their coaches without interruption during this allotted time for lunch.

**Announcing of State Winner:** The proposed winner of the State Mock Trial Competition is announced approximately 15 to 20 minutes following the championship round. Scoresheets are reconfirmed following the competition day and the official team is announced the following Tuesday by 5pm on the SC Bar Web site. Until certified by the SC Bar, the State Mock Trial Champion is not finalized. The SC Bar reserves the right to correct any errors or omissions; therefore, any announcement of a team as the state champion and advancing to the next level of competition is subject to correction. Upon confirmation, the State High School Mock Trial Champion represents South Carolina at the 2023 National High School Mock Trial competition May 2 – 4, in Wilmington, Delaware. There is no national competition for middle school.

**Presentation of Traveling Championship Cup:** The presentation of Traveling Championship Cup will be presented to the team along with state championship certificates at the school's awards ceremony at the school's awards assembly. The State Championship Team and their respective school are responsible for the upkeep/security of the cup, while it is on display at the school. The traveling cup is returned at the following year's Regional Mock Trial competition.

# Mock Trial Case Release Date

The Mock Trial case for 2023/24 is released online  
at [www.scbar.org/lre](http://www.scbar.org/lre) no later than 5 p.m. on:

**Middle School and High School  
August 8, 2023**